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## Social Upheaval and Social Change in England, 1381-1750

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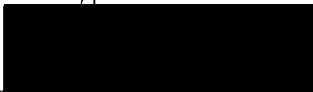
AN ABSTRACT OF THE THESIS OF Sister Sarah J. Cooney, SNJM, for the  
Master of Arts in History presented August 14, 1974.

Title: Social Upheaval and Social Change in England 1381-1750

APPROVED BY MEMBERS OF THE THESIS COMMITTEE

  
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The social, revolutionary upheavals that frequently exploded on the American scene during the past ten years provided a contemporary, if not sophisticated, framework for the teaching of English history to secondary students. The insights gained from this relational approach emphasized two specific issues during the eras in which England developed into a modern nation: (1) historical events set the stage for social dissatisfaction; and, (2) parliamentary actions reflected the awareness levels that gradually seeped into the social consciousness of the English politic. In isolation, five of these societal insurrections, the Peasant Revolt of 1381, the Ket Uprising in 1549, the Gunpowder Plot in 1605, the Monmouth Rebellion in 1685 and the Jacobin Revolt of 1715 not only focused attention on the prevailing conditions in

England at five particular periods of history, but insured a sufficient span of time, 369 years, for a more accurate analysis of revolutionary activity, of changes in legal practices and of an evolution in social consciousness.

The isolation of these specific, revolutionary upheavals emerged slowly and thoughtfully after months of research and after a frustrating, general analysis of revolutionary activity in English history from 1350 to 1920. Such an approach required a thorough knowledge of the socio-politico-economic dynamics that shaped the growth and development of that tiny island that dominated the European and world scene for many decades. This awareness, besides the purpose and length of the master's thesis, forced me to evaluate the goals I had set. In the end, the thesis took a new form.

Nine months of research in the libraries at the University of British Columbia, particularly the law library, repeatedly divested the original topic of its politico-economic angles and gave more emphasis to the social aspects. While not denying the realities of politics and economics in the shaping of the revolutions and upheavals, the social aspects allowed the individuals who revolted and the effects of the law administered by the government when these individuals sought changes to surface as unique and important issues.

The refinement of my research materials to the five specific insurrections and the era from 1381 to 1750 came only after my return from British Columbia, Canada. At this time, I presented a rough draft of my original topic to my new adviser, Michael F. Reardon, Ph.D. His patient clarifications enabled me to devise a framework around the so-

cial-legal aspects of my research. Once this process was completed, the evolution that occurred along the lines of leadership, followership and opposition gradually fell into place. At the same time, the issues to which the revolutionaries addressed themselves reflected the entire social milieu of their times. It became increasingly obvious that specific issues to which unique groups could identify themselves spearheaded the actual social dissatisfaction and upheavals. Also, the specific issues underscored definite changes in the awareness levels of the entire English politic. Subtle, gradual, yet consistent, the gains made from 1381 to 1750 brought new understandings concerning the rights of the individual. Simultaneously, the gains saw England grow into a powerful, modern nation. By 1750 England faced a new challenge: how to grow as a nation and, at the same time, preserve the rights of the individual. The legal steps she took before 1750 indicate that she possessed the ability and the resources to meet that challenge. But 1750 ushered in a new era, an era that reached beyond the task I had set for myself.

In the final analysis, leaders from the upper classes replaced the simple peasant leaders of the fourteenth century and issues produced a spectrum that included the pressures from the poll-tax and the economic rights of the peasant to the intolerance of religious turmoil and the political-economic tensions that evolved during shifts of leadership. During each era the issues changed, but Englishmen identified themselves with the issues. Such identification produced revolution and evolution.

SOCIAL UPHEAVAL AND SOCIAL CHANGE IN ENGLAND

1381-1750

by

SISTER SARAH J. COONEY, SNJM


A thesis submitted in partial fulfillment of the  
requirements for the degree of

MASTER OF ARTS  
in  
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TO THE OFFICE OF GRADUATE STUDIES:


The members of the Committee approve the thesis of  
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The international flavor of English history has permeated my life during the past few years of graduate study and research. In reflection, I have realized a touch of the international in my own life as a direct result of this study and research. I owe deep gratitude to Ann Weikel, Ph.D., and to my religious Congregation of the Sisters of the Holy Names of Jesus and Mary for freely allowing me to initiate my research on the campus of the University of British Columbia in Vancouver, B. C., Canada. It enables me at this time to reach across the border that separates our two countries in a gesture of friendship to the university staff in administration, at Sedgwick and at the law library of U. B. C., and to the beautiful, supportive Canadian friends, who helped make British Columbia a very special "home" for me.

On the Portland home scene, my thesis evolved slowly and painfully. I can now realize satisfaction in the completed work because Michael F. Reardon, Ph.D., picked-up the broken pieces and encouraged me to discover a new form for my ideas, and because members of my religious congregation did not tire of my using them as sounding boards, or of my repeatedly doing a "disappearing act" with the community typewriter. To them and to the other members of the P. S. U. staff, who supported me in a variety of ways, I wish to express sincere gratitude.

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## CHAPTER I

### INTRODUCTION

The agrarian revolt, the religious plots and the politico-religious conspiracies that periodically exploded onto the stage of English history depict the tragic pathos that accompanied the human frustrations of the oppressed, the threatened, the persecuted, the misguided, the rejected. The upheavals momentarily isolated the major issues that engulfed the spirit of individual leaders in a bubble of hope; a bubble that carried followers on its first motion toward power before pouring its emptiness over the broken dreams of broken men. During the 369 years that contributed to the era from 1381 to 1750, men died by sword, by axe, by rope, by fire. During the same 369 years, men crowded contemporary prisons, populated the underworld, plotted in exile. One-by-one the upheavals failed. To be sure, men had died before 1381 to the cry of "Treason!" just as men died after 1750 with the same cry resounding in their ears. But upstage, during these four centuries, English characters responded to the innuendos of historical direction. Whereas, backstage, a subtle difference infiltrated the total complexity of the historical production. The difference was conceived as part of a reaction to the harsh treatment meted out to the individuals who opposed arbitrary action practiced in the name of justice. It made its quiet, unobtrusive appearance in the practical changes that reflected a growing social awareness in the English legal processes. It reached its maturi-

ty as the Reform Movement that held the center of the political stage during Nineteenth-Century England.

An analysis of the five unique insurrections within the English politic from 1381 to 1750 mirrors, in minute reflection, the undercurrent of change that wound its way through the Plantagenet, Tudor and Stuart Dynasties. Each upheaval grew out of periodic tension. Each failed in its attempt to force the hand of government or to overthrow the existing régime or institution. Each left its own impression. No one of them effected the Reform Movement. But in toto everyone of them enacted change.

The value of an analysis, therefore, does not lie in the variable, specific goals and accomplishments of the rebels. Rather, the value lies in the growth of social awareness depicted in legal practices, which occurred in the time lapses between the revolts.

The authenticity of observations pulled from the analysis of social upheavals through a span of 369 years is subject to certain basic understandings. First, a vital, social entity experiences change in a variety of ways during historical progressions of time. Second, the forces of history focus human attention on specific issues at different times. Third, an analysis of unlike historical events, with a set purpose of comparing and contrasting them, automatically limits the aspects of an analysis. For example, the background causes for each rebellion gave rise to a specific issue, which, in turn, gave to the rebellion its own uniqueness. The issues solicited response from certain groups of people. Given a different issue, would the same persons respond? Given a different set of background causes, would the same issue

arise? The answers to these questions indicate a need to emphasize tradition, consistency and commonalities in patterns and changes that affected them, rather than specific and disconnected likenesses and differences. An initial overview points out the significance of this approach.

The English revolts from 1350 to 1750 directed the attention of the English classes toward the inevitability of change. In the beginning, the nobility experienced a gnawing uncomfortableness as the spasmodic, peasant upheavals punctuated the flow of their traditional life patterns. Later, religious factions felt threatened by an ominous fear generated through the hushed, whispered rumors of Catholic plots to overthrow the English government. In the end, the new political groups realized a growing suspicion as waves of Jacobin followers streamed into Continental camps to lay plans for the restoration of a Catholic king to the Protestant throne of England. Men grew fearful as the tensions mounted. Fear generated action. Action generated resentment. Resentment generated upheaval.

The Peasant Revolts of 1381 and 1549, the Gunpowder Plot of 1605, the politico-religious turmoils of 1685 and 1715 illustrate well the conflicts of this cyclic pattern. Simultaneously, they exemplify a specific social milieu within which the insurgents harbored their dissatisfaction, gathered their forces and lashed out at their oppressors. An analysis of the social milieu in which the tensions brought men to frustration points proposes the general framework of each chapter of this thesis. Specifically, it includes three fundamental issues: (1) the chronological cause-effect time line; (2) the social factors inher-

ent to the revolt, itself; for example, leaders, followers, opposition; and, (3) the role of the revolutionary within the society as reflected in the law and the modes of justice administered under the law. The conclusions drawn from the analysis of each era will provide a set of factual criteria for tracing specific changes, not only in the social structure of later upheavals, but in the law and administrative justice applied after each selected rebellion.

The first of these rebellions cut across the English counties as a brief series of explosive incidents.

## CHAPTER II

### TAXES AND ENCLOSURE

The undesirable wound the Peasant Revolt of 1381 inflicted gradually healed. The inglorious scar it caused remained permanently in history as a deterrent for some, as an incentive for others. The trauma of this event revealed more than a reaction to a single poll tax. It laid bare a scene of military failure, political intrigue, economic mismanagement, social discontent combined with religious paucity and ideological blindness. Peasants swarming from the countryside into places which symbolized to the lower classes the sources of their poverty and subjection dramatically enacted a hard reality. The peasants riveted the attention of a reluctant society on the burdensome manorial system as it writhed painfully on its death bed. For one brief month, May 30 to June 28, 1381, the peasants of England, smarting from the recent poll taxes inflicted by the government, tried to hasten the death of the hated manorial system. Chaos, with its henchmen, plunder, burnings and murder, reigned in half of England. One brief month and reprisals followed. One brief month and a pseudo status quo settled over England. The manorial system lingered; it refused to die. All was not well in the kingdom.

#### Background

The state of well-being showed definite signs of deterioration as early as 1350 A.D. The skilled armies of Edward III assured England of

continued domestic peace in 1346 when they defeated Scotland. They terminated one of the phases of the Hundred Years War at this time. England was in a strong holding position. Crécy (August 26, 1346) reinforced the victory at Sluys (1340), pointed to the superior English force at Poitiers (1356) and foreshadowed the Truce of Brétigny (1360). The wars, however, had repeatedly drained the treasury of valuable gold. Ransom money resolved only part of the debts. Edward III demanded high payment for the pageantry and campaigning that gained him the unstinting, although temporary, loyalty of barons and subjects. Ultimately, Edward had to face the sunset of his "glorious" reign. From the Treaty of Brétigny until the Peasant Revolt, England lost all the French territory she had gained before 1360 except the port of Calais. She struggled against a national debt increased by wars and strained by a declining production in agriculture. She felt a renewed pressure from the Scots along her northern border. She cringed from the private retinues of the landed magnates, who challenged the authority of the justices of the peace and terrorized the countryside through violent, feudal warfare.

England suffered from a lack of strong leadership from the King, the nobility and the Church during these two decades before the revolt. Edward III gradually slipped into dotage and entrusted the affairs of state to his mistress, Alice Perrers. Edward, the Black Prince, who sought the promise of the crown in opposition to Alice Perrers, died in 1376 after a lingering illness of dysentery that wasted his body and demoralized his spirit through a period of six years. The crown was to rest heavily on the eleven-year-old Richard after 1377 when Edward III followed his eldest son to the grave. The nobility also suffered from

numerous forces that undermined their former positions of power.

First, the introduction and widespread use of the longbow, gunpowder and artillery brought England many important victories in France. These new methods raised the status of the infantry above that of the cavalry. On the social scale, this placed the nobility in a secondary position. Second, the control of the wool trade by the Italian merchants encouraged England to compete with the Hanseatic League for "staples" that accrued necessary profits. During his reign, Edward III added Antwerp, Bruges and Calais to the active number of "staples" that already included Dordrecht and St. Omer. The rapid trade expansion of the cloth industry assisted the development of new cities in England, such as Norwich, York and Coventry. It also multiplied the commercial contacts between England and Continental centers. These contacts spread English influence abroad and strengthened the position of merchants in the economy and in the politics of the kingdom. The rapid evolution of parliament, which already accepted the position of the gentry and townsmen among its ranks, permitted the merchants a leverage for a share in the power of the ruling classes. The economic shifts of interest from the wool to the cloth industries affected the agricultural production in England by drawing members of the lower classes from the land to the industrial centers. Third, with one devastating sweep, the Black Plague shook the agricultural economy of England to its roots.

The plague struck every class of England, especially the lower classes, and reduced its entire population at least by one-third. Within a span of two years, agricultural production dropped drastically, land revenues took a severe downward trend, the cloth industry felt the



squeeze of the labor shortage and the foreign staple lost its pristine vitality. Within a span of two years, the economic needs of the kingdom placed the serf, the peasant and the common laborer in an unprecedented position. This position threatened the leadership of the nobility. The nobles needed the lower classes on the land, the manufacturers needed them in the cloth factories. The needs created mobility and wages and allotted to the lower classes some semblance of freedom of choice. The nobles appreciated the new bargaining power of the lower classes solely against the backdrop of a feudal system that had already undergone deep changes during the preceding century. Too many trends checked their prestige, power and wealth. The peasants evaluated the power within the framework of their immediate needs against a backlog of deprivation. The experience of the past led them to make use of every opportunity that presented itself.

The Church already knew a waning of leadership and power. The "Babylonian Captivity" of the Papacy in Avignon, France, which gave birth to the Great Western Schism with its unfortunate lines of antipopes, decreased clerical prestige throughout western Christendom. Serious doubts about papal authority germinated and many Christians, both lay and religious, conscientiously, or hopelessly, turned their attention to secular authority for stability and security. A French pope in the time of war with France raised a special problem for the English. What had happened to the universality of the Church?

One dramatic blow of the Black Plague decimated religious houses and took the lives of many members of the regular clergy. This loss further reduced the influence of the Church leadership. Waning pres-

tige, authority and influence encouraged outbursts of criticism against religious practices that failed to reflect the teachings of Jesus Christ. Educated men and itinerant preachers spoke out against church ownership of property, excessive wealth and sources of income. In England, Wycliffe and his Poor Priests crystallized the opposition voiced by so many.

Initially protected by John of Gaunt and the widow of the Black Prince, Joan Princess of Wales, Wycliffe denounced papal jurisdiction in England in matters of discipline, theology and finance. He condemned papal bulls as heretical, he eventually demanded a church totally spiritualized according to his own original ideas, and he developed his own heretical theology regarding the sacraments, especially the Eucharist and Holy Orders. Anti-superstitious, anti-papal, anti-materialistic, thoroughly Protestant in character, the Wycliffian doctrines provided form and substance for a dissatisfied populace, which readily transferred the cause of its poverty to the nobility, the king's ministers and the Church. Wycliffe failed to provide strong leadership for the people, but he struck a decisive blow against the leadership of the Church that produced profound effects later.

While the Black Plague stalked the land, competition for labor forced wages and prices higher in proportion to the fundamental law of supply and demand. The King assumed leadership responsibility to quell the fears of the nobles. He immediately issued the emergency Ordinance of Laborers to control the price war. Parliament legalized this ordinance in 1351 as the Statute of Laborers (Appendix A, pp. 99-103).

A series of reinforcing statutes during the following three dec-

ades strengthened this ordinance. The nobility, supported by the merchants, had used one of the few remaining tools at their disposal to curb change; namely, legal action. Such action reduced the average rates of payment to the lowest possible standards that prevailed before the Black Plague. 2d.-3d. per day, coupled with the restoration of the corvée, stirred the rancor of the landless peasants and the villeins, and created an emotionally charged rift between the upper and lower classes. The authority and leadership of the upper classes, clerical and lay, enabled them to promulgate the statutes; they continued to exact high taxes through over-assessment to preserve the status quo. The initiative and sense of justice exercised by the peasants prevented the government from enforcing the statutes. The peasants sensed the breakdown of the status quo and resisted the power that denied them their rights. Changes in land tenure enabled the peasants to move more freely through the countryside. They organized into unions and instigated strikes that drew legal sanctions upon their ranks.<sup>1</sup> At the same time, they brought a new prosperity to the laboring classes even though the Statute of Laborers remained significantly unchanged.

Fresh onslaughts of the Black Plague in 1361-62 and 1369 not only did not break defiant resistance of the laboring classes, but created new economic opportunities for them. Pressure by the landlords and time spent in the stocks and in the jails drove the spirit of the peasants into a dangerous revolutionary mood. Other factors spread the dissatisfaction.

The victories that culminated in the Treaty of Brétigny continued to fire the imagination of the English during the third quarter of the

fourteenth century. Hope crowded the reality of military disasters into a mental limbo. Continued military campaigns, which repeatedly ended in land losses and money demands, increased the national debt and quelled the popular enthusiasm over war. Declining sources of income from the "staples," the subsidies on movable property, the Church contributions and the merchant donations indicated annually the inefficiency of the feudal methods for collecting revenue.

### Peasant Revolt of 1381

In lieu of a better procedure, the last Parliament of Edward III adopted its first poll-tax, which prescribed a groat (4d.) from every person who had reached fourteen-years-of-age, except beggars. Nicknamed the "tallage of groats," this tax conceived all men economically equal and established a base for blatant injustice. The undeveloped administrative machinery neutralized the efforts exerted by the government for collecting the tax.

In the following year, the first ministry of Richard II also failed to implement the promulgated poll-tax. The Exchequer reported a greater deficit than before. Cooperative efforts in the Commons gave life to an ingenious poll-tax based on a rudimentary sliding-scale. Setting the adult age at sixteen, the law required a groat from the poorest individuals and £6 13s. 4d. from the richest ones. It set a graduated scale for the social ranks between. The plan worked in parliamentary session, but in practice, yielded only £27,000 of the £50,000 goal.

By 1380 the situation had assumed incredible proportions. Military expeditions in France met consistent defeat, the English objected

to possible campaigns against Scotland and tension between the foreign and city merchants ended in personal attack. Richard had already replaced his first ministry and expected the new members to solve the problem of a £160,000 deficit. Parliamentary ingenuity appeared to lag when the members voted to accept the first of three proposals:

It was first suggested that the money might be raised by a Poll-tax of three groats per head on the whole adult population of England, so arranged, however, that 'the strong might aid the weak' and the poorest individuals should not pay the whole shilling. Secondly, it might be feasible to collect the money by a 'poundage' on all mercantile transactions within the kingdom, the seller in every case accounting for the percentage to the King's officials. Or thirdly, the ordinary course of voting 'tenths' and 'fifteenths' might be tried, though the number granted would have to be much larger than usual.<sup>2</sup>

By exacting three groats from every person over fifteen, except beggars, and one groat from the poorest of the lower classes, the Commons hoped to collect £100,000, whereas, the clergy agreed to collect the remaining £60,000. The efforts of the Commons to meet the demands of the Exchequer blinded them to the inequities inherent to their proposals.

Others saw the law in a different light. The Treasurer, Bishop Brantingham of Exeter proffered his resignation immediately after Parliament adjourned in December. Sir Robert Hales accepted the empty chair and joined Bishop Sudbury as one of Richard's chief ministers. Neither man lived out the new year.

In January, 1381, Parliament implemented the tax law by organizing groups of collectors for each shire. The methods used by the collectors and the exactions demanded from the laborers produced alarming results. First returns fell far below the expectations of the Council. The primary causes for the discrepancies lay in the falsified census lists that townships and collectors devised and the obvious amounts of

revenue pocketed by dishonest collectors. In order to surmount the spontaneous resistance, the Council dismissed the former collectors and established a new body of official collectors, who were ordered to collect the entire tax and to punish those who had evaded the initial payment. Mobility, unions, strikes, evasion;<sup>3</sup> all spoke their own language. Astute ministers misunderstood the message. Some of the laboring classes interpreted the second phase of the collection as a new, illegal tax; others saw the entire tax as an expedient, unjust measure for prolonging ministerial ineptitude abroad. Reactionary pressure by the ministers set the peasants into terrifying motion. On May 30, 1381 violence broke out in Essex.

Commissioner Thomas Bampton began inquiries at Brentwood. His summons included the poor villages of Fobbing, Corringham and Stanford-le-Hope. The villagers, who held receipts of former payments, presented a strong front against the anger of Bampton and his two sergeants-at-arms. The Commissioner decided to dispel the opposition and ordered the arrest of the spokesman, Thomas Baker.<sup>4</sup> The villagers, numbering about one hundred, reacted. Beaten, stoned, the bruised Bampton reported the proceedings to the Council. The Council immediately sent Robert Belknap, Chief Justice of the Common Pleas to handle the situation in Essex and to punish the insurgents.

Meanwhile, the frightened townspeople spread the news of their rebellion and discovered encouragement and support among their peers. Local men, as well as strangers from London, took up the cause and provided graphic motivation for consolidation against government inquiries and reprisals. By the time Belknap and his clerks had arrived and se-

lected the jurors for the hearings, the villagers moved en masse against the unprotected Belknap and his clerical entourage. Their opponents seized the clerks and jurors, beheaded three of the clerks, beat and beheaded three of the jurors and carried the impaled heads through Brentwood. Belknap escaped only after the insurgents captured him, forced him to swear an oath of loyalty and destroyed his papers. These initial actions caused rapid outbursts of rebellion in Kent and East Anglia. Militant leaders openly sent information to various counties, which rapidly followed the example of Essex by spearheading creative, rebellious activity. Other leaders effected the riots.

The first recognized leader, Abel Ker of Erith, led the men from Lesness, Barking and Dartford through June 2, 3 and 4. Chaos followed in their footsteps. Simultaneously, a mob prevented a conciliar judge and his commission of Trailbaston from performing their duties. The judge and his companions returned unharmed to London. In another place, Sir Simon Burley sent his men to capture Robert Belling, a run-away serf. On June 3, Burley imprisoned Belling in the Rochester castle. The imprisonment provided the unorganized mob with a common goal.

A second leader, Robert Cave, presumably a baker of Dartford, assumed the leadership of the Kentish rioters as the Essex men moved toward Rochester. Chaos incorporated murder and plunder into its realm when the villagers stalked the area surrounding Rochester and Maidstone. The Essex men joined the Kentish mob and the swollen ranks surged on the castle of Rochester from which they released Robert Belling. Many insurgents now looked on Belling as a symbol of the injustice meted out against the poor under the manorial system. Symbolism spawned many rio-

tous actions as the rebellion took shape. Under its guise, insurgents attacked monasteries, manors, townhouses, royal officials, lawyers, followers of John of Gaunt, overbearing landlords and personal enemies.

A third leader, Wat Tyler (Teghler), who held the reins of the revolt after June 7, established a remarkable discipline over the large body of angry, frustrated men, which now numbered from ten to fifteen thousand. Tyler directed the tide of uncontrolled, irresponsible destruction by moving the unruly mob toward Canterbury. The actions of Tyler provided an embryonic plan for the men. They would protect the King by ridding the country of the ministers who mismanaged the King's affairs. They would establish justice by actively re-defining the membership of the Commons. Their battle cry, "King Richard and the Commons of England," proclaimed the revolt as a loyal attempt to save England from political and social decay. Under Tyler, the mob specifically directed their violence against any property and persons connected with Treasurer Hales, Chancellor Sudbury, Sheriff Sir William Septvans, Prior of Bury St. Edmunds and Chief Justice Sir John Cavendish. General attacks included anything and anyone connected to injustice, mismanagement and opposition; namely, ministers, records and jails. From Canterbury, Tyler and the mob retraced their steps through Maidstone and resolutely moved toward London. Their leader failed, however, to completely stem the tide of random pillage and unnecessary murder that marked their journey through the countryside.

A fourth notable leader, John Ball, an itinerant preacher, joined Tyler at Maidstone after being released from the Archbishop's prison. A northern priest, Ball possessed a reputation as the "mad priest of



Kent," who had agitated against Church and State and Serfdom for twenty years. In the period immediately preceding the Peasant Revolt, he worked in London and its environs. His cry for personal freedom and relief from economic oppression hinted of the communistic tenets of the Wycliffian Lollards and made him an apt speaker for the multitudes when they finally arrived at Blackheath. This precursor of Wycliffe demanded obedience to Tyler from the mob and directed attention to the primary source of the social evils: unequal distribution of wealth at the hands of the hierarchy and the nobility.

Three other leaders from East Anglia deserve special mention. The first, William Grindecobbe, made his moves against Thomas de la Mare, Abbot of St. Albans on June 14. Threats, destruction and murder in the area of St. Albans magnified the courage of his followers, but the news of Tyler's death turned the first impetus into caution. The driving desire to overthrow the tyranny of the monastic lord failed. Justice matched their conservative demands with conservative reprisals.

The second, John Wraw, stands among several leaders in the East Anglian uprising. He initiated his career on June 12 with the sacking of the manor of the Financier, Richard Lyon. Records depict this poor priest as unscrupulous, discontented, selfish; an individual who spoke louder than the actions he performed. But act Wraw did. He and his followers struck at Cavendish and Bury St. Edmunds, where Wraw established his headquarters and spread his power into western and northern Suffolk through a period of eight days. Other insurgents led the upheavals in eastern Suffolk. Wraw's power gained him the heads of Prior Cambridge, Chief Justice Sir John Cavendish, John Lakenheath, a monk

and one local notable. As in other places, devastation and thievery marked his short reign.

Finally, Geoffrey Litster, who guided the assaults in eastern Norfolk in sharp contrast to the sporadic, unorganized destruction in the western section of the same county, remains as one of the strongest leaders of the entire revolt. A relatively poor dyer from Felmingham, Litster aligned his program closely to that first introduced in Kent and Essex and carried it out with extreme severity. Norwich received the full impact of his plan and became the hub for all the atrocities in the surrounding cities, towns and countryside. Litster and his men felt no twinge of scruples over the sacking, burning and murder they performed. Their actions culminated in a plan to gain a charter of manumission for Norfolk and to seek pardon for their rebellious actions. Henry Despenser, Bishop of Norwich thwarted the plan and brought Litster to justice.

Other individuals surfaced from the mobs at appropriate moments during the upheaval. Knowledge of their names dispels little of the mystery that shrouds their participation as leaders. The activities of some of them were burned into the memory of the English people: John Hales of Melling; Alan Threder, William Hawke, John Ferroure of Kent; Thomas Sampson of Ipswich; Bertram Wilmington of Wye; and Jack Straw (John Rackstraw), Thomas Farrington, Henry Baker of Manningtree, Adam Michel and John Sterling of Essex.

The spread of news that drew leaders into the foray around Canterbury, Maidstone and London instigated a chain of outbursts throughout eastern Kent, Essex, Suffolk, Cambridge, Norfolk and other counties.

The pattern of pillage, burning and occasional murder mirrored that employed in western Kent, except in Colchester. The men of Essex injected a different element to the revolt by attacking the Flemish employers; men hated for the influence and controls they exerted in the cloth industry. But June 11 and 12 found the Kentishmen under Tyler and Ball settling at Blackheath while the Essex men, distracted from their atrocities, spread over Mile End fields. A small group pushed farther on, opened the three prisons in Southward and sacked the palace of the Archbishop of Canterbury in Lambeth. But the general attitude of the main bodies of rebels remained conciliatory.

As advisors of the King, the Council apathetically responded to the initial days of upheaval by simply moving from Windsor to the Tower of London. In point of fact, the Bishop of Norwich was the only person who took a stand against the rebels as soon as he heard of the riots. With a small force, he routed the enemy and brought Litster and his followers to trial. On the other hand, the first thirteen days of rebellion failed to spur Hales, Sudbury or the experienced Council members into any decisive action. Facts deepen the irony of the scene and defy any logical explanation for the events that ensued.

Without serious incident, the rebels allowed the Princess of Wales and her entourage to pass through their midst, join the King, his councilors, the royal household and about six hundred men-at-arms and archers. John of Gaunt, Thomas Woodstock and Edmund of Cambridge, who were on military missions, left a definite void in leadership. Only William Walworth, Mayor of London, formulated a practical, somewhat belated, plan to protect his city after the Council advised the young

King not to discuss proposed grievances with the rebels.<sup>5</sup> The plan failed, and the advice brought devastating results. Richard initially ignored the Council, then ordered a barge and sent a messenger to inform the insurgents of his intention to meet with them. His arrival, the temper of the mob, the fear of the councilors brought the meeting to an abortive climax. The barge did not touch shore, the grievances remained unheard and the mood of the rebels darkened.

Many discontented Londoners joined the rebels within a matter of hours after this incident. One emissary of the Mayor, John Horne, thwarted the plan of Walworth by encouraging Tyler to attack the bridge and gates of London. Horne assured the Mayor that Tyler intended no harm. The actual warning of the Mayor, as expressed by his other two emissaries, Carlisle and Fresch, went unheeded. Hungry and angry, the Kentishmen surged toward the London Bridge to find the report of Horne to be accurate. Key men lowered the bridges. London quickly passed into the hands of the rebels.<sup>6</sup>

Entry into the city appeared pacific. "To protect the King against his ministers" remained the primary goal as the insurgents destructively collaborated in their attacks against the Savoy,<sup>7</sup> the mansion of John of Gaunt, and the Temple, the quarters of all the hated classes, especially the Knights of St. John, Treasurer Hales and the lawyer class. But as the night closed in upon them, the pacificity of the dissatisfied peasant and laborer turned quickly into misdirected savagery. Seven Flemings and nine or ten others were murdered that night. The rebels continued their destructive activities in the "... Church, the hospital and the mansion of the Hospitallers,"<sup>8</sup> and some

homes in Holborn. They released all the felons from the prisons of the Fleet and Newgate, which only intensified the element of revenge that colored the emotional burst of the nightly scene. The morrow proved more starkly brutal than the night before.

Behind the scenes, King and Council met in the Tower while the rebel leaders organized, (most probably in the house of Thomas Farringdon), their list of grievances and political enemies.

The Council, at this point, fully realized the repercussions of their earlier reticence in gathering an army and spiriting the King into the Midlands. Their attempts to work out a plan in the Tower strengthened the differences. At some point, however, they reached consensus on the absolute necessity of dispersing the crowd. To this end, they formulated a letter and ordered two knights to deliver it. The duo-request of the letter for a list of grievances delivered by a deputation and the return of the commons to their homes failed to satisfy the insurgents. Their refusal pushed the Council to grant an interview that morning, June 14, at 7:00 between the King and Tyler at Mile End.

The rebel leader brought the lists he and his companions had compiled during the night. Deserted by his half-brothers, the Earl of Kent and Sir John Holland, Richard II graciously granted the demands of the rebels and assigned thirty clerks to draw up the charters of freedom and amnesty for those who asked for them. He abolished serfdom and its feudal services; he freed all men from villeinage, and he reduced rent to 4d. per acre per year. He also removed all restrictions on free buying and selling and abolished market monopolies. His banner symbolized his special protection to each county represented at Mile

End.

In his open-handed treatment of the grievances, Richard assumed a beneficent posture. In his guarded, indirect attempt at protecting the "traitors" listed by the rebellious leaders, the King inadvertently signed the death warrant for Hales and Sudbury.

Thomas Farringdon had returned to London before the meeting at Mile End commenced. A dissatisfied Tyler and a few companions joined him soon after they realized that the King had no intention of punishing the men responsible for the general dissatisfaction. In London, Tyler and Farringdon found the drawbridge and portcullis readied for entry. They led a spirited group on a search for the Treasurer and the Archbishop. From the chapel, they dragged the two councilors to a nearby hill and brutally decapitated them along with two, possibly five, others. This action signaled an unnecessary bloody phase of the revolt in which aliens, Lollards, unpopular Londoners and innocents died by the axe.

The morning of June 16 repeated the horrors of Friday night. No royal forces entered the scene and Tyler appeared drunk with success. The King proffered a renewal of negotiations with those rebels who had not dispersed when Richard signed the charters. Both groups of rebels agreed to discuss the matter at Smithfield. Richard prayerfully prepared for the encounter. He and his men concealed their armor under their cloaks. Tyler, apparently, prepared for the encounter by drawing up a new list of demands. The meeting took place in the open square that spread before St. Bartholomew's.

Tyler verbally presented his new issues to the King after paying

confident obeisance. The demands touched on game laws, serfdom, confiscation and division of church lands, the importance of the Law of Winchester,<sup>9</sup> due process regarding outlawry, civil importing of a lordship,<sup>10</sup> retention of a single bishopric and equality among all men, except for the person of the King.

The conclusion of the recital produced a heavy silence. Richard could only act on such extensive issues in conjunction with Parliament. He would necessarily have to delay further discussion, or dismiss the issues as unfeasible. Tyler grew more restive and insolent as the moment of decision lengthened. Misinterpreting the silence, he chose to act.

Reports differ on the confusion that resulted.<sup>11</sup> At some point, Tyler drew a dagger and provoked Walworth, the Mayor. The thrusts and counterthrusts that took place in the affray mortally wounded Tyler. His cry of "Treason!" propelled Richard into action. He prevented a massacre by appealing to the rebels as their King and by leading them safely into open fields south of Smithfield. The Mayor quickly realized the danger of this action, rode back to London and gathered an army of over 7,000 men composed of volunteers, trained soldiers of the Tower garrison and the mercenaries of Sir Robert Knowles. Their arrival at Clerkenwell transferred the controls definitively to the King, for the rebels rapidly dispersed in the presence of such a formidable force. As a last gesture of peace, the King ordered the safe conduct of the Kentishmen under his banner.

Only one man died that day.<sup>12</sup> Walworth decapitated the dying Tyler after dragging him from the hospital in St. Bartholomew. He then

presented the head to the King, who ordered it to replace that of Archbishop Sudbury on London Bridge.

New outbreaks took impetus from the reports of the initial successes in London. Some were short-lived as reported of Surrey, Sussex, Middlesex and Hertfordshire. Some were particularly violent as recorded of the northern, economically secure Norfolk, Suffolk and Cambridgeshire. Some introduced new elements as directed by Grindecobbe in St. Albans and Wraw in Bury St. Edmunds. Thomas Woodstock, who conveniently returned from the Welsh March, and Sir Thomas Percy brought their forces against the insurgents. In Norfolk, as already mentioned, Despenser shattered the offensive of Litster. Richard personally took essential steps to quell the revolt as rapidly as possible. He ordered the military. He commissioned the authorities in London and in the shires to restore peace and administer justice. On July 2 at Chelmsford, he revoked all charters assigned at Mile End. The government had only to mark time, apply pressure at specific points and either arrest or disperse remaining clusters of rioters. Time, pressure and legal action destroyed the last external vestiges of the revolt. But was the revolt torn from the hearts of the commoners?

The decades preceding the Peasant Revolt of 1381 laid bare definite weaknesses and inequalities within the English society. Undoubtedly, they added to the discontent of the laboring classes, igniting the flame of passion that propelled the lower classes into revolt. The battle cries for King and Commons; the repetition of basic grievances with variations to suit the specific township; the general attacks against manor, palace, monastery, prison, university; the records destroyed;



the persons singled out as means for retribution: lord, archbishop, lawyer, justices, monk, foreigner, bear out in graphic, and somewhat gruesome, detail the sources responsible for the societal ills from which the lower classes suffered. A further analysis of the revolt highlights the issues and provides some understandings for the reprisals administered to the revolutionary figures; namely, the areas of revolt, the leaders, the followers and the opposition.

### Analysis

The chief rebellion took place in the densely populated southeast section, which centered around London and which led England in industry and commerce. The shifts in interest to a market economy, accentuated after the Black Death, explains in part the tension between lord and peasant. The shift quickened the breakdown of the feudal relationship. A high incidence of free tenure, coupled with the largest and wealthiest monastic and lay estates, characterized the history of this area. Fragmentary, perhaps inaccurate, records show a small percentage of peasants in contrast to a larger percentage of craftsmen or tradesmen. Heavy use of the word "commons" and "rural neighbors" in the chronicles of the time<sup>13</sup> leaves the question open to discussion. In each place of rebellion, conclusions depend on the social composition of the area.<sup>14</sup> In a heavy industrial, commercial section, such as the southeast, an overall view creates a picture of sharp contrasts: rural agricultural areas and centers of industry and commerce; poor villages and villages inhabited by artisans; free men of Norfolk and villeins held under the oldest practices of the manorial system; chartered towns, such as Norwich and Yarmouth, and the strict manorial sites of Bury St. Edmunds

and St. Albans. Progress rubbed against the status quo. The success it enjoyed raised hopes in the artisan and cleric, discontented knight and squire. It deepened frustrations in the unfreed villein and serf. Because of the cosmopolitan-type composition of the large, southeast area, the revolt drew all classes of people into its vortex.

The rebels and rumors, which incited riotous activities in areas outside the southeastern hub, attracted the dissatisfied elements unique to each place. In rural areas, the peasants and artisans frequently moved as partisans. The hub experienced associations of this kind. Both hub and surrounding sections, especially London, St. Albans and Bury St. Edmunds, report unions of rural elements with townsmen. These combinations incorporated issues of a local nature besides those directed against ministers, enfranchised and wealthy oligarchs in the cities. The cooperation of the Londoners with the Kentish-Essex rebels exemplify this type of grouping. The townsmen of York and Winchester, to name two, worked independently of the rural areas. At Bury St. Edmunds the townsmen attempted to conceal their collaboration with the rebels; a sharp contrast to the position of the townsmen at St. Albans, and one for which they paid heavily in the end. The list of participating factions lengthen. Most of the factions contributed leadership for the consolidation of efforts. The clerical ranks intermingled with all the other groups but deserve a separate comment regarding their activities.

Unbeneficed, simple wage earners, temporarily employed, the poor clergy endured pressure from monastic appropriations, clerical taxes, the provisions of the Statute of Laborers. Varying educational back-

grounds equipped them with some understandings of government duties and human rights. Simple priests, vicars, rectors added elements of social and religious radicalism to the leadership manifest throughout the rebellion. Certainly the revolt produced a variety of leaders.

Nicknames, such as, Jack Straw, Jakke Mylnere, Jakke Cartere, Jakke Trewman, assumed by, or imposed upon men of the period under question increase the difficulties of social analysis.<sup>15</sup> Activities reported have enabled analysts, however, to draw some rather sound conclusions regarding the leadership.

Sporadic, unorganized riots were short-lived. These usually occurred outside the hub, flared independently of the major rebellion and incorporated the usual pattern of destruction and occasional murder repeated elsewhere.

Where turmoil appeared organized, and where it continued over longer spans of time, leaders from all classes determined the general direction of the mob. Wat Tyler, Robert Cave, Geoffrey Litster, William Gore (Corre) or West Wickham, William Cadington and Mayor Edmund Redmeadow, who attempted to place the blame for the Cambridge riots on the urban poor, all belonged to the artisan craftsmen class. Wat Tyler commanded men like Thomas Farrington, an illegitimate member of a prominent London family, and accepted the assistance of aldermen Sibley, Horne, Fresch, Carlisle and Tong. Geoffrey Litster won the loyalty of Sir Roger Bacon of Norfolk (Baconbridgeshire) and Sir Thomas Cornerd, knights, and allowed the disgruntled squires, Richard and John Talmache, James Bedingfield, Thomas de Monchensey, Thomas Gissing and William Lacy to practice their arts of blackmail, pillage and thievery out of

Norwich.

Besides craftsmen, wealthier members of society controlled various scenes. Thomas Sampson, a wealthy yeoman teamed with the parson of Bucklersham, John Battisfor, in raids against Ipswich. Two other yeomen, John Hanchache of Shudy Camps and Geoffrey Cobbe of Wimpole (Gazeley) wrecked havoc in Cambridgeshire. Records of indictments include the names of yeoman William Gildeborne, who was hanged, burgesses John Giboun, Jr., and Richard Ashewell, who led the attack on Thomas Hasledon, and official of the Duke of Lancaster, and several other lesser wealthy individuals who led groups in Cambridgeshire and Kent.

As mentioned earlier, a final and important group of leaders came from the clergy. John Wraw, rector of Ringfield, with his companions, Robert Tavell and chaplain John Michel, struck at Bury St. Edmunds. Whereas, William Grindecobbe sought revenge on St. Albans where he had received his education. In local incidents, parsons and clerics responded to the need for dedicated leaders.

One conclusive fact about the leadership throughout the revolt deserves special mention. From the first reactionary moment in Brentwood until the death of Tyler at Smithfield on June 15, the rebel leaders from the lower classes dominated the public scene. Rebel leaders of other classes surfaced in later incidents. At no time before this date, and even after it, the insurgents met no opposition from the royal forces. Certain facts indicate an apathy or lack of awareness of the issues that generated the mass movement of peasants and laborers:

- (1) Sir Robert Belknap proceeded to Essex at the end of May without an armed escort;
- (2) the Council made no move to take the King out

of the restive scene, but, rather moved from Windsor to the Tower of London; (3) no single councilor attempted to organize a plan of resistance before matters grew alarmingly worse; (4) the advisors to the King missed the opportunities to unite the loyal Londoners with the garrison and mercenary soldiers; (5) all major military figures were simultaneously absent from the country at a time of great economic stress and social dissatisfaction; (6) Walworth failed to link the economic party-tensions in London to the rebellion when he chose his messengers; (7) when the King and his party departed for Mile End, no garrison remained to protect London; and, (8) no effort was made to organize an army until after the episode at Smithfield. Then, what a strange phenomenon followed! When the army gathered by Walworth came on the scene, the mob rather quickly dispersed. Attacks by Henry Despenser against Lister and his rebels in Norfolk demonstrated the same results. A lack of force gave the rebels free license in their ghastly enterprises. A show of force brought a rapid breakdown in rebellious behavior. Slowness on the part of the royal ministers continues to raise several unanswered questions.

Richard II, however, followed through on the lesson of Smithfield. He commissioned the Mayor of London to end the insurrection of that city by law or other means. For the next five days, Richard sent general proclamations and some specific commissions of a similar nature to his sheriffs, mayors and bailiffs. The Earl of Suffolk went with armed force to his own county, while the King, accompanied by Thomas of Woodstock and Sir Thomas Percy, led the larger army to Essex.

The arm of "justice" moved across the land. Battles raged. Re-

bels died. Survivors fled. Local royalists, for example, Lord Fitz-Walter and Sir John Harleston in Sudbury and the burghers at Huntingdon, drove the fleeing rebels from the towns. The military drive continued through July, for the revocation of the Mile End charters on July 2 enabled the justices to apply the law of the land whenever necessary. Intimidation and revenge touched the honor of the court scenes, but the general practices of men like Tresilian and Belknap certainly expedited the judicial proceedings.

When the King ordered a cessation of arrests and executions with a transference of further trials to the King's Bench on August 30, leniency had replaced the severity of the earlier days. For example, John Kirkeby, Alan Threder, Jack Straw and John Starling died after unfair trials by the commission granted Walworth. Other leaders, William Grindecobbe, John Wraw and John Ball received fair trials and were executed. Ball, after a two-day respite, was drawn, hanged and quartered in application of the treason law passed in 1352 under Edward III (25 Edw. III. st. 5, c. 2). Bishop Despenser ordered the execution of Lister after an unfair trial in which the Bishop, himself, acted as judge. Thomas Farrington, Horne, Sibley, Thomas Sampson, Robert Westbroun, Sir Roger Bacon and Robert Cave of Dartford remained in prison for varying lengths of time before receiving complete pardon. The last man, Cave, was released in 1392.

An incomplete, but probably accurate, study by André Réville lists 110 capital punishments,<sup>16</sup> as compared to 1,500 estimated by Froissart. The numbers killed on both sides speak their own language; but no more perhaps than that spoken when Courtenay, Bishop of London,

gained two days respite for Ball so he could prepare himself for death; or when Despenser held Litster's head while he was being drawn to the gallows so he would not suffer unnecessarily.

Such facts do not obscure the reality that crimes and punishments, causes and results weighed heavily on the conscience of the Englishman. The torch of the Peasant Revolt of 1381 continued to burn in his heart long after the last rebel had paid the price for his participation. Its flame produced different emotions for different people, but one question remained: Had the peasant gained anything through his revolt? The facts bear out certain conclusions.

#### Conclusions

(1) The King revoked the charters; (2) the leaders paid with their lives and/or fortunes; (3) many rebels suffered burdensome fines; (4) Parliament eventually passed a general amnesty to the major rebellious cities, except Bury, which received pardon in December, 1382, and which completed its fine in January, 1382. Most of the 287 participants, who did not share the general amnesty, eventually gained pardon or judicial fines. (5) Parliament immediately granted an act of indemnity for Mayor Walworth and Bishop Despenser for the unlawful proceedings they performed; (6) this same body denounced any intention on their part for reducing villeinage; (7) the poll-tax failed and was not considered as a source of income for several centuries; (8) to confirm suspicions, villeinage did not immediately disappear, but neither did resistance by the peasants.<sup>17</sup>

For over a century, while economic forces wrought the changes for which the lower classes worked so desperately, the peasant and laborer

plotted and struggled against the cautious overlord in attempts to gain the liberties expressed in the charters revoked by Richard II. Efforts in 1392-93, 1425, 1450 and 1468 showed more organization and determination. Almost in spite of these spasmodic displays of dissatisfaction, the manorial system slipped away before the end of the fifteenth century. Except for one record of 1574,<sup>18</sup> the villein disappeared from the English landscape in a similar manner over a little longer period of time. The Peasant Revolt probably affected very slightly, if at all, the demise of these two institutions. The lower classes had succeeded in organizing as a group in opposition to injustices and inequalities. They also held sacred the rights and liberties expressed in the ungranted charters. When another agrarian revolt occurred in 1549, therefore, the spirit that had encouraged the lower classes to rise up in the fourteenth century acted as an esprit de corps for Robert Ket and the lower classes of Norfolk. Issues and circumstances changed. New grievances developed, but, in some ways, the later revolt parallels the first.

### Background

The Peasant Rising in 1549 under the leadership of Robert Ket found its roots in the policies and practices that characterized the economic life of England during the Tudor Dynasty (1485-1603). Bound closely into the total political, social and religious milieu of the sixteenth century, the slow evolution of the market economy created a new prosperity for the wealthy. It denied the tenure and employment essential for a basic, even meagre, livelihood for the lower classes. The reversible scene that the changes in agricultural and stock-raising



methods, rising prices, confiscation of land, enclosure and eviction produced replaced the earlier frustrations under the manorial system. A closer look at the period preceding 1549 isolates the key factors that brought the peasants to a major emotional and dissident pitch.

A sword, a claim to the throne through the female line and the Crown allowed the first Tudor, Henry Beaufort, to rule England from 1485 to 1509. Rivals threatened the position of Henry VII. He quelled the revolts of 1487, 1496 and in 1497 ended the open rivalry. He brought the red and white roses together in his marriage to Elizabeth of York. In domestic affairs, the King re-established the principles of Magna Carta, common law and the prerogatives of the King. The use of the Court of Star Chamber, the acquisition of tunnage and poundage for life and the confiscation of land placed the Royal Treasury on secure, economic footing.

In foreign fields, Henry formed successful alliances through marriage arrangements between his son, Arthur, and Catherine of Aragon; and between his daughter, Margaret, and James IV of Scotland. These alliances brought large dowries to the English King.

In foreign trade, a navy, warships, treaties and protectionist laws increased exports and controlled imports. The growth of commerce encouraged domestic industry. Coal, lead and tin added to the national income. Woolen broadcloth dominated the market. The production and processing of raw wool and its use in the making of cloth refined the domestic system, undermined the guild organizations and provided the basis for the economic practices that discouraged the rural poor. Enclosure provided the transitional link between the feudal land holdings,

which declined rapidly because of the Hundred Years War and the Wars of Roses, and the steady increase of the capitalist system, which depended upon the woolen industry for substantial profits.

English landowners had adopted enclosure on a small scale long before the Tudor Dynasty. Circumstances during the fifteenth century permitted wealthy landlords and country gentlemen to use enclosure frequently and effectively. The small areas cultivated by tenant farmers and the common lands shared by the peasants stifled the opportunities of the upper classes for investing their land as sources of profit. Gradually more and more hedges and ditches separated the tenant and the peasant from their land. Signs of a restive peasantry increased as the decades of the sixteenth century passed. Minor riots and disturbances bounced off the legal walls. Enclosure annually increased the number of evictions. Improved agricultural methods and breeding techniques for horses, cattle and sheep decreased the need for the common laborer. Unemployment pushed the scale to new heights. Scarcity of jobs depressed the wages and ushered large numbers into the depths of poverty.

Henry VIII (1509-1547) ascended the throne as the intellectual and cultural pursuits of the Renaissance enjoyed by the wealthy reached across the Channel into England. It served as an example, par excellence, of the gap that economic gains opened between the classes. Henry VIII and his advisors neither closed the gap nor solved the problems that vexed the poor.

On the Continent, the English King played a dangerous game of chess with the rulers of Spain, the Holy Roman Empire, France and the Papacy in Rome. Henry's marriage to Catherine of Aragon obliged him to

support Charles V of the Holy Roman Empire, who effectively accomplished his own affairs against France without the aid of English wisdom or diplomacy. A foreign policy, which emptied the treasury, which placed Henry in an awkward position abroad, and which failed to win the favor of Pope Clement VIII regarding a divorce from Catherine ended the influential role of Thomas Wolsey in English affairs.

Henry VIII chose Thomas Cromwell, Thomas Cranmer and Sir Thomas More as his chief advisors. He then proceeded to enact through Parliament reformatory statutes that controlled clerical and papal income. Clement VII reacted in similar manner. The parley continued until finally in May, 1533 Cranmer granted the divorce to a King already remarried. Pope Paul III excommunicated Henry. Within one year Parliament passed statutes that ended all annates and payments to Rome, gave Henry the right of ecclesiastical appointments and passed the Act of Supremacy.

Henry VIII, under English law, controlled the State and legally ruled the Church in England. Catholic at heart, he refused any type of sweeping reform like that enacted on the Continent by Martin Luther. Compromises in 1536-37, however, which accepted only three sacraments and affirmed specific dogmas, reflected the Protestant influence that had seeped across from the German States. The change in Church leadership under Henry led to serious economic repercussions rather than religious rejuvenation.

Anti-clericalism fanned the fear of foreign papal rule and spread resentment over clerical wealth, power, worldly practices and special legal privileges, such as, multiple benefices and benefit of clergy.

This spirit paved the way for the dissolution of the monasteries and convents and the subsequent confiscation of church lands by Henry, Head of the English Church. Henry needed money. The Church needed purification. Royal inquisitors exposed this need as they methodically examined the economic and spiritual health of the religious houses all over England. They uncovered some religious houses of small holdings with few members; some houses of large holdings with many members; some weakened by sin and mediocrity; some strongly dedicated and spiritually sound. The decision? Dissolution. The King ordered the closures of the first and third groups in 1536; the second groups in 1539. Except for a few government pensions and allowances and a few religious houses allowed to continue their operation, the large body of religious dismissed from the monasteries and convents received no income, no remuneration. Their numbers swelled the ranks of the frustrated unemployed.

Some of the church land passed into the hands of the wealthy through gift or purchase. The rest remained in the hands of the Sovereign, who used the revenue to meet annual expenses.

A reaction in the northern provinces of Lincolnshire and Yorkshire brought the two issues of enclosure and dissolution of the monasteries under a single banner before the year 1536 ended. Robert Aske, the other leaders and some followers of the Pilgrimage of Grace suffered death at the hands of the Duke of Suffolk. No peasant, no gentleman, no yeoman, no priest received a hearing. The problems of rising rents and prices, high taxes, the methods and policies of the King's ministers, especially Cromwell and Crammer, and the enclosure movement burned deeper and fomented a sensitive unrest in the English working

classes.

Actions of Henry and his inquisitors and the unfortunate scene that followed the Pilgrimage of Grace leaves an impression of a grasping, unjust, military-minded government, which cared little for the masses of people who populated the kingdom. Actually, in toto, the actions of the Tudor governments added a dimension of concern and effort to control the expanding enclosure movement, but a dimension that ultimately favored the strong, wealthy classes.

As early as 1489, Parliament attempted to freeze the agrarian scene (4 Hen. VII, c. 19). In 1517, Wolsey organized an Enclosure Commission to study the problem. The landlords ignored the acts that followed this study. Under Henry VIII, Thomas Cromwell initiated a series of reform measures that proposed domestic, economic protection. The first act in 1533 encouraged the development of the flax and hemp production as a security against failures in the woolen industry. Several bills in 1534 specifically handled the sheep farming and eviction problems.

The first of these attempted to control the profits in sheep farming. Members of Parliament stripped it of its value, but limited, with qualifications, the number of sheep owned to 2,000. The second bill granted power to the counties of Norwich and King's Lynn to rebuild dilapidated, deserted houses caused by the high rents and evictions perpetrated by the landlords. This practice of rebuilding spread into other counties and provided some measure of security for the homeless laborer and tenant farmer. Cromwell managed to get parliamentary approval on a series of bills that protected merchants and craftsmen.

Finally, in 1536, Parliament granted an Enclosure Act (27 Hen. VIII, c. 22), which limited the spheres for enclosure to specific shires. It did not include East Anglia or the Vale of York. These attempts touched directly the lives of the lower classes and review only one facet of reform legislation. The same attempts touched the income and investments of the wealthy landlords. Poor men did not attend Parliament. Poor men did not speak in assembly. Poor men did not vote. But wealthy Lords and Commons, many of whom owned sheep-runs, reviewed the complaints made to Council and Parliament. These spokesmen of the country knew the law, its strengths and its weaknesses. By applying it carefully, they protected their own interests and subjected the tenant farmers. Wealth and legal wisdom spoke a powerful, subtle language. Lords and Commons effectively crippled the Cromwellian reform measures.

Religious, political, economic stresses tested and tempered Tudor statesmanship as England moved through the 1540's. Closed monasteries and convents and the acceptance of the English Bible in 1539 completed the initial reformation. They dealt a heavy blow against the priesthood and its Latin practices. The reformation caused the heads of some ministers to roll. The divorce and amorous pursuits of Henry increased that number: Anne Boleyn, Thomas More, Thomas Cromwell. A Scots-French alliance darkened the horizon, but Henry had a son and loyal, able ministers. Perhaps too loyal, undoubtedly too able!

Inflation rose to new levels, especially in the area of food, which tripled during the first half of the century,<sup>19</sup> and in the area of general living costs. Wages remained low, unemployment high. Henry found it necessary to debase the coinage and to spend large amounts of

money on hired mercenaries. A rather grim picture for the nine-year-old Edward, who ruled only six years under the guiding hand of his ministers, particularly that of Protector Somerset!

Henry VIII had attempted to protect Edward VI from unscrupulous ministers by appointing a council of sixteen men, Catholics and reformers, to act as regents. He also requested that the regents refrain from making any further religious change until Edward reached maturity. Edward Seymour, later Duke of Somerset, ignored the request, inveigled the position of Lord Protector from Edward VI and changed the membership of the regency. His policies in Scotland further aggravated the tension over the relationship between Scotland and France. Besides political intrigues and factions, his program of economic and social reform created the immediate causes for a revolt in Devon and Cornwall and for the rising in Norfolk. Both occurred in 1549.

Supported by John Hales of Coventry, Somerset attempted to stabilize the economic scene by stopping land enclosure, by taxing sheep as a source of income and by checking unemployment. Coupled with the new religious promulgations, such as the repeal of the Six Articles and De Heretico Comburendo, and the passage of the Act of Uniformity, which abolished the Latin Mass, the actions of the Protector gained disapproval from all segments of society, except the lower classes, who concluded that Somerset and Hales supported their cause.

In response to the opposition, Somerset sent Gardiner, Bishop of Winchester, and Bonner, Bishop of London, to the Tower. He also set up an unlawful Court of Request in his home and established a commission to study the evasion of agricultural statutes. Parliament retaliated

by rejecting three enclosure bills. The populace reacted with demonstrations that smacked of rebellion.

### Ket Rising of 1549

The first revolt in western Devon and Cornwall opposed the selfish policies of landowners and the innovations in religion. By August government mercenary troops crushed the assault on Exeter. The second revolt, one totally disconnected with the upheaval in Devon and Cornwall, rallied against the government and its policies on enclosure, which favored the wealthy classes.<sup>20</sup>

Clearly in opposition to the extension of sheep-farming, which increased steadily after 1540,<sup>21</sup> to the enclosure of land that necessarily followed the stock-breeding concentration, to the eviction from small holdings with its correlative effect, displacement of labor, and to the distribution of monastery lands among a select, wealthy elite, 16,000 commoners moved across Norfolk to Mousehold Heath near Norwich. The effort that Robert Ket and his followers exerted to enforce the legal rights regarding enclosure on which Parliament procrastinated brought a long struggle between landed and landless to a climax. Sporadic, guerrilla-type resistance by villagers typified by the destruction of fences and filling of ditches flared repeatedly before July of 1549. Royal proclamations show evidence of this repetition in the pardons granted at Westminster in May, 1548, and at Greenwich in May, 1549 to the enclosure rioters.<sup>22</sup> Similar pardons dot the official records of the first two Tudor Sovereigns and throughout the summer of 1549.<sup>23</sup> Like Tyler, Ket gave the peasants a common goal. He gave the resistance a cohesive form.



Ket maintained a remarkable order with his loyal compatriots throughout the days of the demonstration. He required peaceful attendance and participation in the new religious services, which were read in the morning and in the evening. Except for the fence-levelling and ditch-filling, violence broke out only after the King and his Council granted "free pardon" to the persons present at Mousehold Heath. Ket's objection to receiving a pardon for a crime not committed earned him the title of "traitor." In reaction, the pacifists stormed and captured Norwich. They stripped the arsenal of guns and ammunition and prepared for the assault led by Sir William Parr, Marquis of Northampton. His flight after an initial and unsuccessful attack on Norwich, besides the indecisiveness of Somerset, forced the other councilors to stand against Somerset. They ordered Lisle, Earl of Warwick, with his English, German, Italian and Spanish mercenaries<sup>24</sup> to quell the revolt, relieve Norwich and restore peace. By August the balance of power again tipped toward the government. Both sides mourned their dead. Martial law bowed to the law of the land. Approximately three hundred demonstrators were executed by judicial sentence. Robert Ket suffered the full sentence attached to the 1352 Act of Treason following a legal commission of oyer and terminer.<sup>25</sup> (Appendix B, pp. 104-105) His trial and death contrasts sharply with the illegal process ministered to his predecessor, Wat Tyler. Insufficient records produce further contrasts regarding leaders, followers and opposition.

Records mention Robert Ket as the leader of the Norfolk demonstration. A tanner, he belonged to the class of craftsmen who struggled earlier for recognition. But evidence reveals that Ket belonged to the

craftsmen who had attained wealth and position as country gentlemen. His attitude toward enclosure and greedy landlords gained him the respect of the commoners of Norfolk.

The extensive study of Bindoff<sup>26</sup> and the thesis of Woodward<sup>27</sup> force some logical conclusions about the social composition of the 16,000 persons who milled around at Mousehold Heath. In all probability, the tenant farmer, free laborer and peasant, freed from the former manorial system, dominated the group. Pressures from the landlords and widespread use of the domestic system touched the lives of yeomen and craftsmen. Without statistics, however, speculation creates a subjective, if not distorted, picture.

As stated earlier, the breakdown of the feudal practices left the King without a source for a trained military. In lieu of conscription, a very modern concept, the royal officers under Edward VI hired mercenaries to fill the ranks of the military forces. War with France loomed on the horizon, Scotland remembered vividly the battle at Pinkie Cleugh, which cost the life of James IV, and hesitated to commit an act of war. The tension mounted when a rumor about an alliance between France and Ireland spread through the land. Royal forces remained available to respond to official commands. The presence of unscrupulous and determined men, especially Warwick, enabled the military to move immediately on Norwich where a greater force easily dispersed the lesser rebel force. There they captured Ket. It signaled the collapse of the revolt.

### Conclusions

The death of Robert Ket turned the tide for the agrarian revolts

of 1549. Unlike the revolt of 1381, the demonstrations of 1549 gained little beyond a renewed awareness of social evils. Religious reformation, international balance of power, Renaissance and momentum in economic change flooded the final decades of the Tudor Dynasty with different conflicts from the preceding 175 years. The revolt in Devon and Cornwall foreshadowed the shift in emphasis from agrarian to politico-religious issues. A revolt under the leadership of Thomas Wyatt of Kent brought the issues out of the shadows in 1554. The religious tensions that existed between minority groups and the government dominated much of the English political scene through the later decades of the Tudor Dynasty. A study of the Gunpowder Plot of 1605 against the new government of James I exemplifies the themes that forced repressive legislation and that furthered the evolution of social awareness before the Industrial Revolution.

#### ENDNOTES

<sup>1</sup>Charles Oman, The Great Revolt of 1381 (New York: Haskell House Publishers Ltd., 1906), pp. 1-21.

<sup>2</sup>Ibid., p. 24.

<sup>3</sup>Ibid., p. 30.

<sup>4</sup>Charles Knight, The Popular History of England: An Illustrated History of Society from the Earliest Period to Our Own Times (London: James Langster & Co., 1862), II, p. 131; Oman, op. cit., p. 32.

<sup>5</sup>David C. Douglas (ed.), English Historical Documents (London: Eyre & Spottiswoode, 1969), IV, p. 137; Robert Southey, The Poetical Works of Robert Southey (London: Longman, Orme, Brown, Green & Longmans, 1838), II, pp. 41-43; Bonamy Dobrée, English Revolts (London: Herbert Joseph Ltd., 1937), p. 57.

<sup>6</sup>Rodney Hilton, Bond Men Made Free: Medieval Peasant Movements and the English Rising of 1381 (New York: The Viking Press, 1973), pp. 189-90.

<sup>7</sup>Ibid., pp. 192-93.

<sup>8</sup>Oman, op. cit., p. 59.

<sup>9</sup>Ibid., p. 74: footnote refers to a confused reference on the police provision of Edward I's Statute of Winchester.

<sup>10</sup>Ibid., p. 74: Oman notes that this statement is not clear.

<sup>11</sup>F. A. Ridley, The Revolutionary Tradition in England (London: National Labour Press Ltd., 1947), pp. 45-46; Dobrée, op. cit., pp. 61-65; Douglas, op. cit., pp. 136-40.

<sup>12</sup>Douglas, op. cit., p. 138.

<sup>13</sup>Hilton, op. cit., pp. 176-77.

<sup>14</sup>Ibid., pp. 171-72.

<sup>15</sup>Ibid., pp. 177-78.

<sup>16</sup>Harold F. Hutchison, The Hollow Crown: A Life of Richard II (New York: The John Day Co., 1961), p. 77; Oman, op. cit., pp. 86-87.

<sup>17</sup>Norman F. Cantor, The English: A History of Politics and Society to 1760 (New York: Simon and Schuster, 1967), p. 315.

<sup>18</sup>Oman, op. cit., p. 157.

<sup>19</sup>A. F. Pollard, England Under Protector Somerset, An Essay (London: Kegan Paul, French, Trubner & Co., Ltd., 1900), p. 212.

<sup>20</sup>S. T. Bindoff, "Ket's Rebellion in 1549," Common Errors in History (1949), 12, pp. 3-24.

<sup>21</sup>G. R. Elton, England Under the Tudors (London: Methuen & Co., Ltd., 1960), p. 230.

<sup>22</sup>Paul L. Hughes and James F. Larkin (ed.), "The Early Tudors, (1485-1553)," Tudor Royal Proclamations (New Haven, Conn.: Yale University Press, 1964), I, pp. 425-27; 461-62.

<sup>23</sup>Ibid., pp. 462-64; 473-74; 475-76; 476-77.

<sup>24</sup>David Harrison, Tudor England (London: Cassell and Co., Ltd., 1953), I, p. 131.

<sup>25</sup>Bindoff, op. cit., p. 5.

<sup>26</sup>G. W. O. Woodward, 1485-1603: Reformation and Resurgence, England in the Sixteenth Century (New York: Humanities Press, 1963), pp. 1-17.

### CHAPTER III

#### REFORMATION AND REACTION

Government participation, interference and domination of the Christian Church wove a unique pattern through the history of England before the Reformation. Heated differences between kings and popes generated strong emotional vibrations that communicated more sophisticated messages than power struggles over appointments and benefices. The blood of Thomas a'Becket on the altar steps of the cathedral in 1170, the interdict and excommunication by which Pope Innocent III forced the hand of John I to accept Stephen Langton as Archbishop of Canterbury in 1214, the legislation of the fourteenth century, which placed the power of beneficiary appointment in the hand of the English King, and which discontinued referrals to papal courts (Statute of Praemunire), and the Act of Supremacy issued in 1534 by Henry VIII exemplify the nationalization process of the English Church through several centuries. The long-standing fear of foreign control, nurtured on the Norman Conquest, and the evolution of law conceived an English politic in which the Church functioned as an integral institution dependent upon law, upon King and upon nobility for its existence. The Act of Supremacy finalized this process. It also introduced an era of reform, which gradually anglicized the Church. The nature of this initial reform movement under Henry VIII opened the channels for the deep religious reformation that traced its origins to the Continent and owed

its spirit to the Catholic counter-reformation under the Jesuit missionaries and to the Puritan element that infiltrated the body politic during the second half of the sixteenth century.

### Background

The interplay of religious forces, which crisscrossed the English body politic from 1534 to 1603, created tides that rose and fell on suspicion and intrigue. A survey of the English scene during the Elizabethan Period, with emphasis on the evolutionary political and religious struggle that overshadowed all other crises of the period, places the Gunpowder Plot of 1605 in proper perspective. Reactionary in conception, Catholic in leadership, revolutionary in plan, the Plot laid claim on an inspiration of long standing, an inspiration that knew persecution, fines, imprisonments, torture and death during the preceding reign of Elizabeth I. James I allowed the pressure of the tide to break forth; a tide which Elizabeth had carefully held in check.

The death of Mary Tudor (July, 1553-Nov., 1558) and the parliamentary approval of Elizabeth (Nov., 1558-March, 1603) as the next Queen of England ended a period of harsh reprisals against the Protestant reformers. The total English population numbered 300 less heretics by 1558; 298 more than Edward VI committed to the flames;<sup>1</sup> 298 more than Elizabeth executed at the stake during the first seventeen years of her reign;<sup>2</sup> 50 more than died in prison, at the stake or by the axe throughout the entire reign of Elizabeth.<sup>3</sup> Mary earned well the title, "Bloody Mary." The new Queen's domestic policies promoted harmony among the religious factions while she devoted her attention to economic, social and international affairs. Catholic and Protestant cheered the

presence of Elizabeth during the first few months of her reign.

Elizabeth turned her attention immediately to the social ills in her kingdom. Unemployment and inflation plagued the economy. In an attempt to halt their progress, she introduced a social welfare program and stopped the minting of debased coins.<sup>4</sup> Church gifts to the poor in the parishes created intolerance, but the Statute of Apprentices (1563) required the temporary employment of some welfare cases. The work-houses established in 1572 inadequately answered some of the problems.

Opening trade in Moscow (1550), in the Baltic and with the Levant Company, and Turkish trade promoted industrial growth in mining, ship-building, ammunition and ordnance supplies. But the demands for skilled labor failed to balance the unemployment caused by enclosure, the decline of the guilds and immigration of Protestant craftsmen and tradesmen. Wool production continued to dominate the scene in this initial "industrial revolution," although Elizabeth endorsed the charter of the East India Company in 1600. Basically, the economic interim period of Elizabeth's reign made few positive adjustments. England riveted attention on the moves of Spain, France and Scotland abroad. Also, she gradually adopted repressive measures against Puritans and Catholics.

Philip II inherited Spain and the Netherlands from his father, Charles V of the Holy Roman Empire. Philip added Portugal to his kingdom on his own initiative. His staunch Catholic leanings, the communication he maintained with the Pope, especially Gregory XIII (1573-85), his determination to win the Low Countries back to the Roman practices supported the growing conviction in the English that Rome and Spain



planned an invasion of England. The memory of the Marian persecutions lingered. Philip met his diplomatic equal in Elizabeth. The Queen made certain that negotiations with Spain remained open.

Particularly threatened on the north by a legitimate heir to the English throne, her Catholic cousin, Mary Queen of Scots, and across the Channel in France by the marriage of Mary to the boy king, Francis, Elizabeth listened to her advisors and played her cards with unusual acumen. In 1560, in the absence of Mary from Scotland, the Lords of the Congregation denounced the authority of the pope and claimed Scotland for Protestantism. Francis II died that same year, Mary returned to Scotland and entered into a period of intrigue that resulted in murder, exile and imprisonment in England for the Scottish Queen. Scotland passed to the infant, James VI, and the Protestant Lords. The threat Scotland exerted over England temporarily waned. But the tension mounted again in 1587 when word leaked out that Mary had died as a traitor in Fotheringhay Castle on February 8. The causes of this execution lay in the politico-religious issues of the kingdom.

Two years before the execution of Mary, Elizabeth, who had managed to keep England out of war, reluctantly agreed to send an army into the Netherlands in support of the first Protestant Bourbon to rule France, Henry IV of Navarre. The assassination of Henry III and the death of the Duke of Alençon abruptly ended the ludicrous marriage negotiations with which Elizabeth had toyed for some years. Piracy, Spanish embargoes on English goods, and the Huguenot cause in the Netherlands and France convinced Elizabeth of the necessity for having an army in the Low Countries. the £126,000 per annum for the army ap-

peared reasonable in lieu of a victory over Spain. An ultimate declaration for Catholicism by Henry of Navarre shook the hope Elizabeth had placed in him. A climactic victory for Elizabeth in 1588 restored her confidence when the fleet of England defeated and scattered the Invincible Armada of Spain. A possible Catholic invasion receded further and further into an unreal world. On the domestic scene, the reformation progressed along different lines.

The era of harmony that characterized the first months of Elizabeth's reign produced a compromise Church. Having retained the hierarchical organization of the Catholic institutions, the Queen had ordered a Catholic liturgy celebrated in English. She had accepted a theology based on Protestant dogmas. Her own actions conveyed the Protestant spirit that pervaded her decisions. Her absence from Mass and the removal of Catholic bishops from their posts emanated dangerous signals for Catholics and Puritans.

The latter group strongly opposed the Erastian Church upheld by the Tudors. Exiled to the Continental centers of learning during the Marian reign, the Puritans gradually returned to their homeland under Elizabeth. Their presence did not become a serious problem until after 1583. Moderates willingly worked within the society to gain a voice for the laity. The radical, nonconformist opposition to superstitious practices, to the intermediary position of the priest, to the corruption that marred the purity of the primitive church spread surreptitiously through organized pamphleteering. John Whitgift, Archbishop of Canterbury (1583), used the Court of High Commission to strip many clergymen of their benefices, to send others to prison and to execute

at least six Puritans.<sup>5</sup> A Conventicle Act of 1593 required any Puritan of sixteen years or older to attend Anglican services or suffer the rigors of imprisonment. Persecution of this type encouraged the Puritans to use other forceful channels to plead their cause. The Stuart reign of James I discovered them a threat, since the terrors unleashed on Catholics after 1559 forced the Puritans to consolidate.

Parliament promulgated an Act of Supremacy, which entitled Elizabeth Supreme Governor of the English Church, and the Act of Uniformity. Both appeared in 1559. The former act required an oath of supremacy from Catholics to Elizabeth as the legitimate heir to the throne. The latter attached fines and imprisonment to those who refused to use the Common Book of Prayer endorsed by Parliament in 1552. Catholics discovered that these laws required only an outward conformity, which did not violate their consciences. But Elizabeth applied new pressure in 1563 with the Thirty Nine Articles. This new promulgation excluded Catholics from public office and honors, removed 1,000 lower clergy from their benefices and left only one Catholic bishop with a diocese.

Events after 1565 increased the wrath of the Royal Sovereign. On the Continent, the Council of Trent finalized its work of counter-reformation. Edmund Hay, S. J., appeared in England to work among the suffering Catholics. His work presaged the missionary activity of the Douay Jesuit Seminary (1568). In Scotland, the questionable activities of Mary Stuart and James Hepburn, Earl of Bothwell, exploded. Mary sought refuge in England and discovered herself a prisoner. On the popular level, the government enforced more rigidly the laws that forbade Mass attendance. Even ambassadors from foreign countries found them-

selves subject to these regulations.<sup>6</sup> Oppositional reaction set in.

Rome issued a papal bull of excommunication against Elizabeth, which was promulgated in 1570. The act signaled the Earls of Northumberland, Yorkshire and Westmoreland and Thomas Howard, Duke of Norfolk, to organize an abortive plot to release Mary. Lenient reprisals enabled Northumberland and Norfolk to a further attempt after the promulgation of the excommunication ushered in the new decade. Both men died as traitors and the government increased the severity of the penal laws from fines and imprisonment to drawing, hanging and quartering of priests. The natural consequence of these laws was unlawful emigration. The government failed to check the departures.

Neither could it check the secretive entrance of the Jesuit priests from the Douay Seminary into England. The untiring work of Edmund Campion and Robert Southwell, which culminated with their deaths, called for a renewed resistance on the part of disheartened English Catholics, who faced the conscientious dilemma created by Pope and Sovereign. Renewed resistance increased the violence of repression. Laws broadened the scope of treason; the royal prerogative permitted the flagrant use of torture; filthy, unsanitary prisons claimed the lives of inmates; and executioners disembowelled recalcitrant priests.

#### Gunpowder Plot of 1605

In the midst of this tension, fourteen conspirators schemed to release Mary, Queen of Scots. Fourteen men were hanged at St. Gile's Fields and Elizabeth signed Mary's death warrant. Coupled with the dubious political activities of Catholic priests and laymen,<sup>7</sup> the government winked at the espionage practices of Walsingham's spies and the

unlawful pursuits of the official interrogators.

Public viewings of the horrendous hangings produced a reactionary revulsion among the English. Failure of the rumored Irish campaign to even materialize, and the defeat of the Spanish Armada reduced the fears of the English people. Some of the atrocities, which lay heavily upon the lives of Catholics and Puritans, ceased. Remission restored a flicker of hope in the heart of the persecuted as the reign of Elizabeth drew to a close, in spite of the occasional flares of persecution that occurred as one century fused into another.

Elizabeth left James VI of Scotland a politically strong government. The religious issues of the Reformation burned in the hearts of the Catholics, but the members of this sect numbered only one-sixth of the population. Their broken resistance served as a living proof that the national Church prevailed. Communication with Robert Cecil imbued James with an incentive to further strengthen the English government. The Pope and Spain symbolized the direction of his plan, which he set in motion as early as 1599. But James, raised as a Presbyterian and open to the position of Catholics, established a practical rule by divine right. His accession took place in 1603. Trouble immediately arose.

An abortive plot developed when the government continued to levy fines against Catholics. Efforts on the part of the Roman Catholic clergy to prevent further suffering led them to expose an irrational plot against James organized under the leadership of Copley and Watson, a secular priest. In June, and again in July, James ordered a lessening of the recusancy fines and the high rents as a type of recompense

for such loyalty. Neither did any serious reprisals follow the Cobham-Raleigh plots, which the capable Coke handled.

Memories of the past horrors waned; hopes in the hearts of Catholics and Puritans waxed stronger. Both were short-lived. Communication with Clement VIII through the Nuncios of Brussels and Paris, and with Sir James Lindsay and Sir Thomas Parry deadlocked in January of 1604 on the issue of obedience to the King. Misunderstanding deepened. The relative freedom of the Catholic laity to worship within a system that declared religious uniformity remained vague. But on February 22, 1604, James proclaimed the banishment of all priests from England. The result? In the months of March and April of that year, the five leaders of the Gunpowder Plot conceived and refined their plan to destroy all the Members of Parliament, the King and his family, to kidnap the nine-year-old Princess Elizabeth and the five-year-old Prince Charles, and to seize the reins of government.<sup>8</sup> Facts gleaned from the conspirators under tortuous treatment disclosed the plot that involved wealthy gentry.

Robert Catesby, John Wright and Thomas Winter came together at Lambeth and outlined the plan. By April Catesby had traveled to Holland and had hired a Yorkshire man, Guy Fawkes, who at that time served in the Spanish Army in the Low Countries. Thomas Percy, a brother-in-law to John Wright, completed the executive board. Before November of 1605, the group of conspirators included Christopher Wright, Robert Winter, Robert Keyes, Ambrose Rokewood, John Grant, Sir Everard Digby, Francis Tresham, (who probably sent the mysterious warning to Lord Monteagle in order to save the latter's life), and the Catesby servants,

Thomas Bates and Robert Ashfield. The government later involved three Jesuits, Garnet, Provincial Superior in England, Greenway and Gerard. Judicial actions against the priests came from the testimony of Bates, Thomas Winter and Fawkes. In the end, only Garnet suffered the same death as the original masterminds of the plot.

Combined sources agree that the men chosen for the mining of the Parliament building, except for the servants, came from families of means. However, Robert Catesby owed a heavy fine for his part in the Essex rebellion, Robert Keyes suffered from financial difficulties and Guy Fawkes professed being a soldier of fortune. Investigations later revealed that the plot involved wealthy Catholic noblemen, such as Talbot of Grafton, Edward Lord Stourton, Lord Montague and Henry Lord Mor-daunt,<sup>9</sup> who happened to absent themselves from Parliament at the time of the attempted assassinations. The lack of easy money forced the leaders to increase the number of confidants. With each new member, the hazards increased.

A few of the men involved in the preparations provided other significant assets toward the possible success of the plot. Thomas Percy was a second cousin to the Earl of Northumberland. The Earl, captain of the Gentlemen Pensioners, had admitted Percy into its ranks. This admission gave Percy ready access to Court and permitted his renting a house in the vicinity of the Parliament House and the cellar under the House of Lords from a Mrs. Whynniard. All the men were Catholic, Catesby, Tresham, the Wright brothers and Thomas Winter having been involved in resistance plots before 1605. Undoubtedly, the government watched these men closely. Guy Fawkes, the unknown member, possessed military

experience. The experience and the means made the plot seem feasible.

At some point during the Easter term, (April 25-May 21), following the proclamation of banishment, (February 22), the five leaders met in London, discussed the plan, took an oath of secrecy, heard Mass and received the Eucharist as a sign of their solemn agreement. Because Parliament adjourned in May until February 7, 1605, the men agreed to carry out their specific assignments and meet again in Michaelmas term, (October 9-November 28). The remainder of the story takes on the characteristics of a mystery.

Occasional meetings, the gathering of tools, powder and food, the underground preparations and digging under Percy's house, discussion and decisions filled the months from the end of Michaelmas to Easter. During that period, Percy hired the cellar; Guy Fawkes left for Flanders to gain support from Sir William Stanley, who was in Spain, and a Mr. Owen; Catesby and Digby set about to collect arms, horses and men from among the gentry for the day of the plot. Their activity centered around Dunchurch, Ashbury St. Leger and Norbrook. Fawkes returned in August. After his return, two important events occurred: (1) Parliament was prorogued until November 5; and, (2) news came to Winter that some one had warned Lord Monteagle, a former conspirator-companion of Catesby, of the plot (Appendix C, p. 106). This latter event took place on October 26. Fawkes did not know of the disclosure. While he guarded the mine in preparation for the meeting of Parliament, Robert Cecil, Lord Salisbury, commenced a thorough checking on the note. On the eve of the opening of Parliament, Sir Thomas Knyvet and his men entered the cellar, discovered Fawkes and the powder and arrested the



suspect.

News of the revelation preceded the actual disclosure. When the net tightened around the area of the Court, the conspirators dispersed. They agreed to meet in the Midland houses. The scattered party organized at Dunchurch, laid plans to capture Princess Elizabeth and took up residence at Holbeach, Straffordshire where the guns and munitions had been deployed for their defense.

In London, Lord Salisbury, Attorney-General Coke and their commissioners interrogated and tortured Fawkes (Jhon Jhonson) until they pieced sufficient information together to know the destination of the conspirators. Fawkes held out for several days. By November 8, the Lords ordered the Sheriff of Worcestershire and a posse comitatus to apprehend the alleged criminals. In the skirmish that ensued, the Wright brothers, Catesby and Percy died from gunshot wounds. The posse took Rokewood and the wounded Thomas Winter into custody. Eventually, they arrested five others besides Father Garnet.

On January 27, 1606, at Westminster Hall, Fawkes, Thomas and Robert Winter, Rokewood, Keyes, Grant and Bates faced prosecution for treason and conspiracy.<sup>10</sup> Digby pleaded guilty and was arraigned separately.<sup>11</sup> Tresham died in the Tower before the trial. Two months later, on March 28 in the Guild Hall, Henry Garnet faced a similar charge,<sup>12</sup> in spite of Fawkes' attempt to exonerate any priest, and suffered the same death as the original group of condemned traitors. The evidence, the threats, the torture and the trial exemplify the judicial methods of the State Trials under the Tudors and Stuarts.<sup>13</sup> Whereas, a fairly modern analysis of the proceedings concludes that, "The trial...was a

travesty of justice in which Coke excelled himself."<sup>11</sup> According to English custom at the time of the Gunpowder Plot, the government used the courts as a right of prerogative for the administration of justice in opposition to all social upheaval. As a facet of the summary on the leaders, followers and opposition, the employment of the judiciary illustrates the effects of political growth during the period between 1549 and 1605.

### Conclusions

The earlier discussion on the men involved in the Gunpowder Plot enumerated the types of leaders and the character of the rebellion. Catholic men representing families of the gentry sought the financial and armed support of other gentlemen and persons loyal to the cause. Secrecy and sudden exposure prevented the total group from forming and embarking on their original plan. Before the government brought its judicial activities to a close, the total scale of followers, allegedly, included the three Jesuits mentioned earlier, the Lords absent from the Parliament and the Catholic gentry in the Midlands. But only the conspirators, Garnet and a few innocents were executed.

The survey of the Elizabethan Period pointed out that the government freely used spies, torture and political execution to prevent crime and treason. For centuries the government had also engaged the citizenry in bringing criminals to justice by the "hue and cry." In the case of the 1605 plot, therefore, the government had several tools at her disposal to maintain peace.

First, the note delivered to Monteagle enabled Salisbury to organize a search for evidence from October 26 to November 4. The initial

secrecy of his methods indicate his use of underground forces to gain information. Historians still argue about his use of Tresham and Mont-eagle as spies in the plot. Were they government spies? What accounts for Tresham's mysterious, timely death in the Tower?<sup>15</sup> Why was Parliament prorogued to November 5? The list of questions could continue. The important fact is that the government gained enough information by November 4 to close in on the cellar where Fawkes guarded the explosive matériel.

Second, the government used torture to gather information. So prevalent was its use that Carswell comments on its abeyance in the interrogation of Father Garnet.<sup>16</sup>

Third, Salisbury ordered the Sheriff of Worcestershire to gather a posse comitatus to track down the offenders. The strength of the political machinery lay in the force of all its component parts. At this time, they demonstrated marked efficiency. The experience of the Catholic conspirators, who died on the scaffold in 1606, and the reprisals that the Jacobin government issued against the innocent Catholic populace after the revolt stand as graphic testimony to this political efficiency.

Finally, the Parliament issued a series of stringent statutes that encouraged popular resentment against all Catholics, the vast majority of whom knew nothing of the plot. Those Catholics who refused to take an oath that denied to the Pope the power for deposing a king and that required unstinting loyalty in defense of the King were subject to high recusancy fines. The penal laws excluded these "disloyal" subjects from the fields of law and medicine and denied them any com-

mission in the Army or Navy. Only the passing of time and the problems that absorbed the attention of the Stuart Kings relaxed the effects of these particular penal laws. Seventeenth-Century England realized the growing power of the Puritans as it adjusted to Stuart leadership. The upheavals that emerged from this struggle tested the domestic strength of the government, which felt the pulls of rising forces in the international world. At the same time, these upheavals indicate further the pattern of the social changes visible in English history.

# ENDNOTES

<sup>1</sup>N. Brysson Morrison, King's Quiver: The Last Three Tudors (New York: St. Martin's Press, 1972), p. 139.

<sup>2</sup>A. L. Rowse, The England of Elizabeth: The Structures of Society (New York: The Macmillan Co., 1951), p. 470.

<sup>3</sup>Arnold Oskar Meyer, England and the Catholic Church Under Queen Elizabeth (London: Routledge and Kegan Paul Ltd., 1967), p. 164.

<sup>4</sup>David Harris Willson, A History of England (New York: Holt, Rinehart and Winston, Inc., 1967), pp. 277, 300.

<sup>5</sup>Arvel B. Erickson and Martin J. Havran, England, Prehistory to the Present (Garden City, New York: Doubleday & Company, Inc., 1968), p. 160.

<sup>6</sup>Meyer, op. cit., p. 126.

<sup>7</sup>Ibid., p. 155.

<sup>8</sup>Donald Carswell (ed.), Trial of Guy Fawkes and Others (The Gunpowder Plot) (London: William Hodge & Company Ltd., 1934), p. 32.

<sup>9</sup>The Parliamentary History of England, From the Earliest Period to the Year 1803 (London: T. C. Hansard, 1806), I, p. 1063; Samuel Rawson Gardner, What Gunpowder Plot Was (London: Longmans, Green, and Co., 1897), p. 48.

<sup>10</sup>Carswell, op. cit., pp. 41-42.

<sup>11</sup>Ibid., p. 191.

<sup>12</sup>Ibid., pp. 43, 131.

<sup>13</sup>Ibid., pp. 41-42.

<sup>14</sup>Ibid., p. 14.

<sup>15</sup>Ibid., pp. 1-104.

<sup>16</sup>Ibid., pp. 45-48.

## CHAPTER IV

### TOLERANCE AND FREEDOM

Civil wars, military rule, interim government and restoration left a deep and lasting impression on the face of English history from 1640 to 1660. The troublesome "divine right" dominated the regal thought of James I and Charles I. It reared its head occasionally during the rules of the later Stuarts. But the political, social and religious forces that sectioned the seventeenth century into three unique, yet fused, periods produced a vastly different England in 1660 than the England of 1640.

Adjustment to the changed politic provoked dissatisfaction; dissatisfaction produced factions; and, factions created rebellions. Specific exemplifications of the unrest that surfaced between 1660 and 1750 demonstrate two societal elements: one that opposed the Stuart rule, which occasionally reverted to divine right practices and to Catholic sympathies; and, one that opposed the revolutionary rule of William and Mary of Orange, which allowed parliamentary supremacy and Protestant political domination. The rebellion of the Duke of Monmouth in 1685 throws into relief the issues of the opposition to the Stuarts. The Jacobin upheavals that occurred after 1688, typified by the revolt in 1715, collates the factors of opposition to William and Mary that drew disgruntled English royalists into spheres of domestic and foreign intrigue throughout the late seventeenth and early eighteenth centuries.

In spite of their differences, both rebellions shared one commonality: the source of their origin. An examination of the revolutionary period out of which they emerged draws the movements together as possible divergent solutions to the same problem.

### Background

The English Commonwealth ended in 1660. It left a path of war, high taxes and anarchy.<sup>1</sup> Charles I was dead, the experiment in provisional government odious, military rule unconstitutional. War with Spain (1655-58) over Caribbean claims had completely severed the earlier, hard earned Jacobin efforts to break through the religious intolerance that dominated the English foreign policy during and after the Reformation. Military aggression in 1625 and 1655 had weakened, then broken, trade relations with Spain and the Spanish Netherlands, threatened trade assets in the Mediterranean and contributed to the demise of Spain as one of the possible allies for maintaining the balance of power in Europe.

Sudden and rapid economic ascendancy of the Dutch in the Orient and in the Baltic and Mediterranean Seas depressed England, shook her traditional friendship with a Protestant country and confirmed the weaknesses inherent to the economic policies adopted by Charles I. In spite of recognition of the Commonwealth by the Dutch for commercial reasons, the Navigation Ordinance of 1651 precipitated the first of three wars with the Dutch (1652-54; wars that played at least a minor role in the decline of Holland and in the economic rise of England.<sup>2</sup> But an even greater threat loomed on the horizon.

The Thirty Years War (1618-48) had coincided with the internal

strife and civil wars that later allowed Cromwell to establish the Commonwealth. These Continental wars relegated the antagonisms based on religious differences into the background and had given birth to a more sophisticated ideology of national consciousness, military aggrandizement, expediency and absolutism. The unscrupulous hand of Richelieu had stabilized the French politic and had thrust it into the center of European affairs. This prepared France for the absolute leadership of Louis XIV (1646-1714), who upset the balance of western power after 1660. Even the undeclared war between the Commonwealth and France (1649-53) failed to gain diplomatic recognition for the new English government from the European nations. The interim period of civil wars, regicide and Commonwealth developed new, but subtle, directions for England. Internal forces furthered parliamentary supremacy.

Religious intolerance, hatred for Spain, sympathy for the Huguenots dominated the emotions and political policies in England during the early Stuart period. Trade, emmigration, foreign negotiations that involved Ireland and Scotland with France and Spain deepened the religious prejudices of the English. Travel and study abroad during and after the Commonwealth initiated a gradual understanding and appreciation for the culture, the absolutism and the religious faiths of cosmopolitan Europe. Differences remained, but the impressions, insights, experiences and education of those who traveled abroad paved the way for greater international communication by the end of the century.

Within the English government, the Puritan element had infiltrated the thought and actions of Parliament during the late Tudor reigns. Under James I and Charles I, Puritans from the boroughs elected gentle-



men who represented their beliefs and political convictions. The inadequacies of the Stuarts in finance, ministerial responsibilities, religious views and the understanding of individual rights before 1640 provoked the Puritan constituency in political practice. After 1640, opposition between the King and Parliament forced the Members of Parliament to resolve political matters in committee. These factors caused the development of a strong political consciousness for the Lords, the Commons and the constituency before the restoration of the Stuarts in 1660. The era of tension conceived a rudimentary cabinet system in which the politically active enjoyed a certain independence from King and Protector. The results of the work of Cromwell and the Restoration in 1660 further exemplify the realness of the changes in political rule.

Cromwell gained prestige and recognition for England on the Continent by his management of economic stresses, the Dutch wars, military rule, religious tolerance, colonial expansion and parliamentary achievements. In England, these same movements and stresses were portents of the future. Cromwell died in 1658. The Protectorate collapsed within one year. The Model Army splintered. Parliament prevailed. In 1660 Charles II ascended the throne and continued the Stuart Dynasty in a new era with a different type of Parliament. Not everyone rejoiced over the restoration of the Stuarts, but many did. The problems of government stared Charles in the face. His moves in this new setting appealed to a revolutionary spirit that incited rebellious activities.

On the international scene, France, in the figure of Louis XIV, loomed threateningly on the horizon. A little farther north, the tension over Dutch-English trade rivalry deepened. Dissatisfied English-

men swelled the ranks of European and colonial populations in contrast to the ever-increasing numbers of gentry who traveled freely through the centers of European culture.

On the domestic scene, most of England settled joyously into the atmosphere of a restored monarchy. Charles II thrust his irresolute energies into settling the issues of regicide and civil war. Parliament acted with a confidence and competency gleaned through multiple experiences during the Commonwealth. Indemnity, land, religion and taxes demanded immediate attention. General pardons, except for thirteen regicides and the powerful leader, Sir Henry Vane, who died as traitors to King and Country, introduced the new Stuart program. Parliament and Charles cautiously worked out the land, financial issues and taxes in a temporarily acceptable manner. The religious acts under the Clarendon Code, however, widened the cleavage between the Established Church and Nonconformity.

Embryonic political parties and insurgents skillfully applied the intolerance and bigotry that colored the emotional displays in England during this period. Neither Charles II nor James II hindered the growth of this disunity. Charles II adopted a pro-French and pro-Catholic line of action; James II allowed Louis XIV to control him and openly practiced his Catholic religion. Catholic forces rallied on the side of the Stuarts. Protestants tightened their bands in search of a regal substitute in case the Stuart Kings overstepped the limitations placed on them in the Restoration.

Charles gained little from the Second Dutch War (1665-67), which coincided with an outbreak of the Plague and the 1666 Fire of London.

His policies with an expedient France, including the Secret Treaty of Dover in 1670, the struggle between the Commons and Charles over the Declaration of Indulgence in favor of Catholics and non-conformists and the failure of the Third Dutch War (1672-74) broke the power of Charles' Cabal. The Commons polarized further into the Court Party (Tories) under Lord Danby and the Country Party (Whigs) under Shaftesbury. The former bid for the Church and the prerogative of the Crown; the latter, for limitation of the Royal Power and tolerance for Protestants to the exclusion of Catholics. By 1678, France had shattered the power of the Dutch; Parliament forced Charles to ratify the marriage of Mary of York to William III of the Orange Dynasty; the Popish Plot of that year, instigated by Titus Oates, shredded the remnants of hope for religious tolerance in the hearts of Catholics. Catholic exclusion and persecution incited Charles to exile James, Duke of York, and to prorogue Parliament. By these acts, he cast the seeds for revolt into fertile ground. The Earl of Shaftesbury, backed by some of his Whig confreres, nurtured the plot that set a Protestant faction into motion.<sup>3</sup>

#### Monmouth Rebellion of 1685

When Charles Stuart accepted the Crown from Parliament in 1660 after crossing over from Europe, he left his mistress, Lucy Walters, and an illegitimate son, James Scott, Duke of Buccleugh and of Monmouth. Shaftesbury envisioned in Monmouth the solution to the program Charles continued to endorse. The irresponsible Monmouth fell readily into the Whig plan and proceeded through the country enlisting support. Efforts by Charles to further his pro-Catholic policies met opposition in the Parliaments of 1680 and 1681. In the latter Parliament, the

Whigs led an armed demonstration. The assumption of a violent position in Parliament damaged the Whig cause. England abhorred the possibility of another civil war. Popular support for Charles and the Duke of York mounted. This support gave Charles the courage to exclude Whigs from municipal corporations and to appoint Tories as sheriffs. The acquittal of Shaftesbury on the charge of treason by a London jury had taught Charles a lesson. These reprisals placed the Whigs in a desperate bind. Opposition deepened into conspiracy under the leadership of Shaftesbury, Lord Russell, the Earl of Essex and Algernon Sidney. As they laid their fundamental plans, Monmouth and his henchmen organized a plot to kill the King and the Duke of York. Change in plans and betrayal of the Rye House Plot initiated government reprisals against all suspects. The Whig leaders, of course, understood thoroughly their own plight. Monmouth and Shaftesbury managed to escape to the Continent. The Earl of Essex committed suicide. Lord Russell and Algernon Sidney died as traitors for their beliefs in lawful resistance against an incompetent King. The courts failed to prove their complicity in the Rye House Plot. The first attempt by Monmouth to secure the Crown ended in dismal failure and cost the lives of innocent persons. But Monmouth was not discouraged. In reaction, the Tories gathered their forces behind James Stuart, Duke of York. A brilliant move, for suddenly Charles II died of a stroke in February, 1685. Across the Channel, James Scott failed to appreciate this shift in political loyalties. He simply proceeded to concretize his plans.

James II (1685-88) ascended the throne amidst a surge of Tory acclamation. His tactful program regarding Whigs, Anglicanism and Catho-

licism encouraged the Parliament, which met in May, to grant the King a sufficient revenue for life. On June 11, 1685, the Duke of Monmouth landed his ship at Lyme Regis in Dorset.

Monmouth and his 150 followers moved through Axminster and Taunton toward Bridgewater. His declaration proclaimed his right as the legitimate heir to the throne, but proposed that succession to the throne be determined by the vote of a free Parliament. The Duke attempted to strengthen his position by laying the blame for the London Fire, the murder of Godfrey in the Popish Plot and the death of Charles on James II. His appeals as the champion of Protestantism attracted between 6,000 and 7,000<sup>4</sup> peasants and laborers, besides a few gentry, from the economically depressed areas through which he marched.<sup>5</sup> The short supply of ammunition created a desperate situation from outset of the campaign. As a result, the collected army carried scythes, pitchforks and other farming implements as their only means of defense. Even as Monmouth led his following towards Bristol, he seemed to realize the seriousness of his plight. He returned to Bridgewater via Frome. East of this town, the Royal Forces strengthened the local militia and waited.

Monmouth deduced that only a surprise attack guaranteed any success. Instead, the Royal Forces ambushed Monmouth and his army and butchered the insurgents in the Battle of Sedgemoor. The rebel leader showed his true colors in the heat of battle. The pressure of defeat forced him to desert his men and to seek his own safety. After three days, his enemies found him and accompanied him to London. There he met King James and sought forgiveness. His execution took place on

July 15, 1685 at Towerhill.

Under martial law applied by the military and the "Bloody Assizes" directed by Judge George Jeffreys that followed this rebellion of Monmouth, about 300 peasants<sup>6</sup> were executed and about 800 were sold into slavery in the West Indies. The plot had collapsed. James used the uprising to his advantage by maintaining an army and by showing open favoritism to the Catholics. His actions won supporters but lost him the backing of the Whigs. In a short time, James suffered for his interpretation of the plot.

When James Scott fled England after the Rye House Plot, he gathered around him the English discontents who, for varying reasons, bore grudges against the Stuart Kings or the English government. With proper leadership, a factor that Louis XIV failed to recognize, these Englishmen possibly could have been united into a powerful force for penetration into, or invasion of, England. Analysis of the forces, as events proved, unearthed no such leadership. Monmouth, of course, failed. The Earl of Argyle, his sons, Charles and John Campbell, and Sir Duncan Campbell numbered among these, but their attempt to lead an attack, simultaneously to that of Monmouth, with the Covenanters in Scotland also ended in defeat. Records report that Sir James Dalrymple of Stair, Andrew Fletcher of Saltoun and Henry Cornish, the former sheriff of London<sup>7</sup> accompanied Monmouth on his western attack. Apparently, they accomplished little to stave off the crushing defeat at Sedgemoor.

The occasional name of nobleman and gentleman, the dual plot with Argyle, the exodus of dissatisfied Englishmen to the Continent during

the seventeenth century provide some reasonable support to suspicions regarding the composition of the 150 men who aligned themselves with the Monmouth cause and the 300 men who went with Argyle. Undoubtedly, some came from the nobility, the gentry and the yeoman classes. The lack of leaders under Argyle in Scotland and under Monmouth during the march towards Bristol, the inability of the mob to carry off a surprise attack on the Royal Forces at Sedgemoor and the derogatory references made about the men Monmouth employed in his first moves in England prior to the Rye House Plot confirm the suspicion that Argyle, but especially Monmouth, had only a limited number of men from the upper classes. The lack of evidence only raises these suspicions. Available information regarding the followers adds more complete facts.

The vast majority of the insurgents in both uprisings belonged to the peasant-laboring class. The shortage of leaders, the insufficiency of arms, the lack of training and discipline among the insurgents gave the government the edge. It ordered the military forces to the scenes and crushed the uprisings quickly and forcibly. In Scotland, the government simply stationed the army in the areas most susceptible to the uprising. The presence of the military intimidated possible rebels from the very beginning.

In England, the government sent regular troops from London. These included the troops from Tangier under Colonel Kirke and three regiments of Scots stationed in the United Provinces as sent by William of Orange. The entire military force followed the command of the Earl of Feversham and Lord John Churchill. By the order of James II, Kirke and Jeffreys crushed the rebellion by sword and sentence after the Bat-

tle of Sedgemoor.

### Conclusions.

The misdirected efforts of Monmouth and the deaths and exportations of hundreds of rebels gained little for the cause of tolerance. Certainly, it did not gain Monmouth the throne. The pro-Catholic policies of James opened a floodgate of isolated incidents of atrocities against the Catholics, especially in Bristol, London, Lancastershire and Cheshire. James prorogued Parliament in 1685 over the Test Act, he appointed Catholic officials to high positions and chose the Earl of Sunderland, Judge Jeffreys and Edward Petre, S. J., for his chief advisors. His illegal Ecclesiastical Commission threatened the Anglican clergy. His Declaration of Indulgence sued for the loyalty of the non-conformists.

While throwing out an anchor to the Catholic populace, James forced the loyalty of his non-Catholic subjects into the increasing numbers who favored the Protestant rule of William and Mary of Orange. The release of the seven Protestant bishops on trial over the Declaration of Indulgence and the birth of a son, James Francis Edward, to James II and Mary of Modena sealed the fate for James and for England. At the same time, the baby, nicknamed "The Old Pretender," gave cause for the Catholic supporters of James to rally in favor of a future restoration of the throne to the Stuart Dynasty after the Glorious Revolution (1688). Their struggle for the legitimist cause provides the plot for the story of The Fifteen, the Jacobin subversive movement that occurred during the reigns of William and Mary, Anne and the early Hanovers.



### Background

William invaded England on the invitation of the Stuart government. James, having declined naval assistance from Louis XIV to prevent the invasion, successfully fled the country on a second attempt and took refuge in France. The flight of James enabled the free Parliament (Convention) to crown William and Mary as joint Sovereigns. Parliament then commenced on a program of reform legislation that reflected the serious problems which had placed England in a state of turmoil during the seventeenth century: The Bill of Rights (1689), the Mutiny Act (1689), the Toleration Act (1698), a Triennial Act (1694), a Trial for Treason Act (1696) and the Act of Settlement (1701). The acts and their promulgation pronounced legally that England recognized herself as a Protestant, limited monarchy. James II and his followers, however, needed a more forcible conviction than a list of legislative acts.

James first plotted his return to England through the country of Ireland. With French assistance, he landed in Ireland and subdued the English. Irish desire for independence and the military strength of England against France and Ireland ruined his chances at the Battle of the Boyne on July 1, 1690. Repression of the Irish by William's forces knew few limits.

War with France was an inevitable epilogue to the Irish campaign. For William, it was essential. An unpopular foreigner, William had to fight for acceptance among the factions that existed in England. Gradually, through the war, through the appointment of astute ministers, who formed the Junto, and through unwise partisan moves by some of the

Whigs, who opposed William's domestic policies and who supported James II, William strengthened his position and the machinery of the English government. Even on the international scene, William played a cautious and reserved hand in the political game pursued between France and Spain. Louis XIV aggravated the complex affair by recognizing James Edward as the rightful King of England when James II died in 1701. William died in the following year. The moves onto Spanish territory by Louis had not provoked war; neither had the Jacobin forces united under "The Old Pretender." Queen Anne (1702-1714) inherited both problems.

In general, the reign of Anne marked a rise in English supremacy on the international scene. An Act of Union brought Scotland and England together in 1707. Remarkable ministers, Marlborough, Godolphin, Harley and Bolingbroke, temporarily basked in the victorious results of Blenheim (August 13, 1704). The demise of the French empire of Louis was in the wind. England inherited the earth as mistress of the high seas. But continuous years of war confirmed the unpopularity of the Whigs. One-by-one, Anne dismissed her Whig favorites from office. The task of peace-making fell to the lot of the newly risen Tories. But their methods caught them in a web of intrigue and rebellion within the Jacobin camp.

#### Jacobin Revolt of 1715

The Treaty of Utrecht (1713) gained England a favored position in European affairs. In the making, the Tories sued for peace in preliminary, secret agreements and deserted their foreign allies. As a result, Holland drifted as a second-rate power, the methods used by the Tories

infuriated the Whigs and George III of Hanover, a candidate for the English Throne, shared the temper of the Whigs against the unfinished war he had fought with France. Utrecht brought it to an end. The shared emotions drew Whigs and George together in a political union that frightened the Tories. Harley, the Earl of Oxford, and Bolingbroke turned to James Edward Stuart and the Jacobites as a possible bargaining alternative. James Edward refused to alter his religion in favor of the throne. His attitude deepened the quandry.

When the dying Anne replaced Oxford with Shrewsbury, the Tories realized that they had played into the hands of treason. George I (George III of Hanover) assumed the position of King of England. His new government immediately introduced impeachment proceedings against former Tory ministers. Bolingbroke and Ormonde fled to the Continent where they shaped a Jacobite rebellion. Oxford remained in England and served out a term in the Tower. Unfortunately, his friends made a poor choice when they left England.

The Jacobite cause in France produced rather depressing results. Riots in England and Wales, the bitterness of the Tories and the unpopularity of George raised an ephemeral hope in the hearts of "The Old Pretender" and his followers. Both Bolingbroke and Ormonde proposed plans for an uprising. The former suggested a revolt in England where the English common people would respond well to the principles of the Revolution. The latter believed in an upheaval in Scotland where the people understood the tradition of divine right and the claims of the Stuart Dynasty. Two such divergent plans reflected the pattern of the entire revolt. Backing in France stopped when Louis XIV suddenly died.

The English spy system operating in France kept the government informed of all Jacobite activities. Efforts to gain support in south-western England failed twice. An initial riot begun in Newcastle ended in bloodshed. The first move in Scotland brought the uprising to a premature end.

In September, the Duke of Argyle clashed with an army of 10,000 Highlanders under the Jacobite leader, the Earl of Mar. This battle aroused James Edward to sail for Scotland. As December closed in, "The Old Pretender" joined Mar at Perth. There he discovered that the reinforcements of Argyle outnumbered the army of Mar. Both men fled to France where James Edward remained until an Anglo-French treaty forced him to leave that country. His wanderings finally took him to Italy.

Tory participation in The Fifteen, a name it received from the year in which it occurred, thwarted all opportunities for party considerations. While the army and government in Scotland searched out the Highland insurgents, the Parliament issued bills of impeachment and of attainder against the Tory participants in the rebellion. In contrast to the treatment of earlier rebels, George I repealed the bill of attainder and forfeiture for Bolingbroke in 1723. His reinstatement enabled Bolingbroke to actively participate in government against the powerful Walpole.

The men involved in the uprising in Scotland met a different fate. The actions of war permitted Argyle and his forces to track the Highlanders down in order to administer justice under military law.

### Conclusions

The Fifteen brought a series of Jacobite revolts to a climax.

Spasmodic, local risings after the death of Mary in December, 1694, involved the local citizenry. The social composition of The Fifteen contrasts sharply with those that occurred between 1695 and 1715. Except for the Highlanders enlisted by Mar, the revolt involved only the upper classes. Had Bolingbroke fired his plan, he would, undoubtedly, have sought the support of the commoners. The social character of this revolt retained its uniqueness because the rebel leaders failed to achieve a south-western invasion of England.

Rumors of the uprising reached the English government in time for Argyle to collect an army and move against Mar. Renewed forces in December led to military attack and reprisals. In England, the government used law and the judiciary to suppress the upheaval: (1) the treaty with France regarding the presence of "The Old Pretender" in France; and (2) bills of impeachment, attaint and forfeiture to curb the activities and privileges of the Tory nobles and gentry. At least in one case, that of Oxford, the justices used imprisonment as a punishment for the rebellious leaders. But it took the government two years to conclude the trials of The Fifteen.

#### ENDNOTES

<sup>1</sup>J. R. Jones, Britain and Europe in the Seventeenth Century (New York: W. W. Norton & Co., Inc., 1966), p. 36.

<sup>2</sup>Ibid., pp. 65-66.

<sup>3</sup>Max Beloff, Public Order and Popular Disturbances: 1660-1714 (London: Frank Cass & Co. Ltd., 1963), p. 41.

<sup>4</sup>S. Reed Brett, The Stuart Century: 1603-1714 (London: George G. Harrap & Co. Ltd., 1961), p. 285.

<sup>5</sup>Beloff, op. cit., pp. 39-40; Brett, ibid., p. 285.

<sup>6</sup>David Harris Willson, A History of England (New York: Holt, Rinehart and Winston, Inc., 1967), p. 441; Brett, op. cit., p. 287.

<sup>7</sup>Doreen J. Milne, "The Results of the Rye House Plot and Their Influence Upon the Revolution of 1688," Transactions of the Royal Historical Society, I (1951), 94.

## CHAPTER V

### COMPARISON AND CONTRAST

A review of the leadership, followership, opposition and administration of justice provides a parallel structure for the observations supportive to the change in social awareness. A treatment of the first two categories as a single unit simplifies the observation-conclusion process.

First, observation of leadership and followership in the five rebellions analyzed produced patterns that suggest possible conclusions. In 1381 the major leaders were craftsmen, laborers and clerics who solicited the aid of knights, squires, yeomen and aldermen. The vast army which captured London and the local groups which terrorized town and country consisted primarily of peasants and laborers. In cited instances, members of the other classes reinforced the lower classes in their membership.

In 1549 Robert Ket single-handedly controlled the 16,000 commoners. Wealthy, a member of gentry, a craftsman by profession, Ket expressed by his position a shift in social structure unattainable in 1381. But the issues of unemployment, eviction and enclosure touched the lives of all the lower classes who worked close to the land. As seen in the specific study of the revolt, the 16,000 "commoners" probably represented the peasant, laboring, craftsmen classes.

In 1604-1605 the five-man team who reacted to the religious poli-

cies of James I plotted with men from the wealthier classes of England. The government accused knights, gentlemen, lords and priests with complicity to the crime. Except for the servants, sources agree that the leaders and men who took part in the plot belonged to families of means.

In the Monmouth Rebellion of 1685, the bastard Duke and the Earl of Argyle built their plans with the aid of some noblemen. The available sources lacked statistics regarding the exact social composition for the 150 men, who sailed with Monmouth, and the 300 men, who accompanied Argyle. However, Monmouth managed to employ a following of 6,000 to 7,000 peasants, laborers and a few gentlemen; whereas, Argyle planned to employ the Scottish commoners.

Finally, in 1715 the leadership for the Jacobin Cause emerged completely from the impeached Tory Lords, who laid their plans in France after escaping the hands of the newly established Whig government. Bolingbroke and Ormonde planned different invasions of the island. Both men plotted an incorporation of commoners as an integral part of their maneuvers. Although the Earl of Bolingbroke never realized his dream, the Earl of Mar successfully used the commoners of the Scottish Highlands before the forces of Argyle scattered them. The defeat of the forces ended the leadership of these two men in Jacobin activities. However, later Jacobin revolts conspired by nobility and gentry unsettled the government. Eventually, many of these men were brought to trial.<sup>1</sup>

At face value, the facts appear to lead to two conclusions: (1) that from 1381 to 1715, supported further by the later Jacobite rebellions of English lords and gentry, the rebellious leadership in England



shifted from craftsman to lord; and, (2) that the leaders gathered a following from the peasant-laboring-craftsman classes. One exception discredits this facile drawing of conclusions.

The Gunpowder Plot of 1605 endorses the leadership pattern, but denies the followership consistency. The nature of the plot directs the set of facts towards another possible conclusion. The mining of the Parliament House, the assassination of King, Queen, Prince and Ministers required the utmost secrecy and large supplies of money. A small group of wealthy men would solve this problem. But the plan extended beyond the small group in London into the surrounding areas where the leaders contacted wealthy gentry, not commoners, to carry out the second phase of the rebellion. Was there any plan to incorporate the commoners at this point? Records certainly do not prove this. One possibility remains.. The influence of the gentry might possibly draw the Catholic populace into the rebellion once it succeeded in its first stages. The important issue of Catholicism throws light on the discussion.

By the time James I ascended to the throne of England, Catholics numbered only about one-tenth of the population. The possibility for a small group of Catholic gentry to unite the Catholic commoners so soon after the Reformation purges issued under Elizabeth appears highly improbable, if not very remote. The closely-knit group of leaders, therefore, addressed themselves to those who understood the implications of the religious issue and who felt keenly the deprivation promulgated by a Protestant government. An exception to the pattern, the social composition of this plot places both leaders and followers under

the heading of issue, rather than under a heading of class. Every rebellion produced leaders and followers who recognized an issue as touching them: taxes in 1381 and enclosure in 1549; persecution in 1605; Catholicism in 1685 and Hanoverian rule in 1715. Political experience in the seventeenth century produced a more responsible gentry and nobility. Practice within the government undoubtedly brought them into closer contact with the major issues that the government and society faced before and after the Restoration. Just as enclosure touched the peasant and laborer, the Whig-Hanover union shut out the Tory Party.

Undoubtedly, the parliamentary experience during the seventeenth century encouraged greater representation of the constituency by the elected members. In this way, Monmouth gained support of the commoners as the "champion of Protestantism." However, Monmouth acted out the role as a representative of the people. They had elected him. He came to them with a cause that appealed to them. He capitalized upon it.

By the same token, just as the commoners, the majority of whom professed Protestant beliefs by 1605, would have opposed a Catholic Plot to blow up the King and Parliament, this same class of people bound themselves to the Monmouth cause to overthrow James II with his pro-Catholic policies. For this same reason, the effort to channel the Irish gusto into a practical attempt to restore James II to the English throne failed. The Irish preferred to address themselves to the issue of independence. This issue they comprehended well. On re-examination the facts and the examples of the selected rebellions indicate that the issue in all five upheavals appealed to leaders and followers most af-

fects by the situation.

Second, forms of opposition used by the government established loose patterns of behavior regarding martial law and legal practices. In 1381 the young King and his ministers failed to oppose the actions of the rebels until after the fall of London. Eventually, Richard chose a conciliatory posture. Only at Mile End did he and his men take up arms. A state of martial law settled over the disturbed countryside. The King ordered troops to subdue the insurgents. Commissions set the judicial machinery into motion. By August the courts replaced the free execution of justice allowed under martial law.

In each of the other rebellions, the actions of the rebels permitted the government to establish a state of martial law until the military quelled the revolt and brought the offenders to justice. In some instances, the rebels died resisting arrest; for example, some of the Catholic leaders in the Gunpowder Plot and the Highlanders under the Earl of Mar in 1715. In every case, legal proceedings supplemented, then replaced, the martial law. The point at which the transition took place depended upon the amount of time needed for tracking down the insurgents.

The general usage of these two procedures over the centuries provides sufficient facts to conclude that the English law prevailed over the martial law in circumstances that involved citizens engaged in rebellious activity. Whether the 1381 revolt taught the government anything about preparedness or not is open to debate. However, after 1381 the government of England readily employed Royal Forces, in some instances reinforced by local militia and posse comitatus, to check re-

bellion. The Royal Forces called out a posse comitatus in 1605 and strengthened the local militia at Sedgemoor in 1685.

The English government also allowed the use of torture (1605) and spies (1605, 1715) as techniques of opposition in contradistinction to methods of punishment. Doubts and insufficient facts prevent generalizations on these points. The interest remains. Fawkes and Bates revealed information about others while under torture. Mystery and accusations are unresolved regarding the note received by Monteagle in 1605, but the spy system of England in France destroyed any surprise element in The Fifteen. Possibly the government developed an organized spy system of the type alluded to in the Gunpowder Plot. Certainly the presence of a spy in their group plagued the persons involved in the Cato Street Conspiracy in the early nineteenth century.<sup>2</sup> But documents of the seventeenth century provide insufficient evidence on the matter of torture used in 1605 and that of infiltration by spies to move beyond a simple observation.

Finally, the results of the selected rebellions affected the flow of history in a variety of ways. The rebels of 1381 gained a respite of several centuries from the poll-tax. However unmeasurable, they made their society more aware of the profound changes that accompanied the death of the manorial system. The complex situation of the fourteenth century prevents any simplistic analysis. But one fact remains. Before the fifteenth century fused into the sixteenth century, villeinage died, leaving a new relationship between land and peasant as a heritage to English society. In spite of this fact, debate continues over the importance of the revolt on history.

The effects of the four other rebellions do not trace definite results as easily as the Peasant Revolt of 1381. Each one ended suddenly. Brutality marked the period of martial law. Justice eventually prevailed. Evolutionary change in the total picture of the English social upheavals appears more concretely in the legal proceedings enacted against the insurgents from 1381 to 1750.

In general, martial law allowed the immediate pursuance and execution of rebels. Interpretation of the 1352 Statute of Treason protected the government in the application of this law. Wat Tyler, Litster, a few of the leaders involved in the Gunpowder Plot, the commoners under Monmouth and the Highlanders who followed Mar in 1715 died during these periods. However, records are clear in the fact that Walworth was held responsible in the eyes of the government for the deaths of Kirkeby, Threder, Straw and Starling in 1381 after unfair trials of commission. The same applies to Despenser for the death of Litster in the same year. Despenser acted as judge in that farcical trial. Neither man suffered for his actions.

The restoration of peace and order by the army in each revolution ushered in the judiciary, which proceeded to judge the prisoners according to the legal practices of the day. Grindecobbe, Wraw and John Ball died in 1381 after fair trials in the common courts commissioned for the hearings. Many of their followers received the same legal treatment. Not everyone was executed. The use of common law trials continued as a practice throughout the rebellious periods discussed. Leaders, such as Ball and the Roman Catholic plotters, experienced the full impact of the law. Monmouth, tried by his peers in Parliament,

died by the axe, an instrument often reserved for the nobility. Jacobin rioters of 1716 also died as traitors, in spite of the fact, that the men who organized The Fifteen suffered only the effects of attain, forfeiture and imprisonment on the decision of their peers. Actually, Bolingbroke eventually gained a respectable place in the government after 1723. Occasional reversals of sentences by the Parliament throughout the centuries reflect the attitude of the peers towards themselves as executors of justice. An act ex gratia, the members of Parliament arbitrarily put it into effect. But a similar revolt so close on the heels of The Fifteen tried the patience of the government beyond what it could endure. Few Jacobins received lenient treatment after 1715.

Forgiveness and pardon also occurred in the earlier riots. By 1392 seven of the leaders, who received varying lengths of prison terms, returned to active, free lives as English citizens. A consistent pattern of any of these forms of reprisals breaks down under scrutiny. The Reformation created an unmerciful period for revolutionary Catholics. It reflected on all Catholics. The Monmouth uprising closed the channels of mercy to the Duke and his Protestant followers. Tressilian and Coke and Jeffreys colored proceedings in different tones at different times in the courts of commission and the courts reserved for the peerage. Does the analysis end on this point of inconsistency? It does not seem to. Added information not specifically attached to the five rebellions under question demonstrates a process of change, although spasmodically inconsistent, in legal practices. A consideration of the use of torture to gain confessions, the practical use of the indictment, the judicial use of the counsel for the defense, the changes in the im-

paneling of a jury belong to the stories that bring about greater understandings concerning social upheavals. Against the backdrop of the growth in the legal traditions and practices in England, the five rebellions gain an added dimension. Not only did the men who revolted against the system experience the changes in the law, but they contributed to the changes throughout the long period from 1381 to 1750.

The nature of the peasant revolts of 1381 and 1549, the state of martial law and the judicial proceedings very rapidly brought the insurrections to their conclusions. Behind the scenes of the latter revolt, the Tudors allowed the extensive use of torture to extract confessions from men and women suspected of treason. The rack, weights and "Scavenger's Daughter" condemned many individuals through their silent maneuvers. Edward VI ordered its use in 1551,<sup>3</sup> Sir Nicholas Throckmorton endured it,<sup>4</sup> Savage missed the experience in 1586<sup>5</sup> and Garnet was threatened with it in 1606.<sup>6</sup> The State Trials record two specific instances of its use in 1681 and 1684<sup>7</sup> but do not mention its use again until 1798 during the time of martial law of the Irish Rebellion. This information does not imply that the government inflicted torture on the peasants in 1549. But the torture allowed as a general practice by the Tudors and the religious turmoil during and after the Reformation developed an almost neurotic emphasis on confessions.<sup>8</sup> Law superseded the rights of individuals and can be traced in the proceedings of the court of Star Chamber.<sup>9</sup> The cessation of torture by the seventeenth century exemplifies an initial balance struck within the legal structure; between justice and human dignity that exerted its effects by 1750.

The legal format of the indictment raised many technical problems for the accused and the lawyers. Most individuals lacked the skills necessary for challenging these technicalities. A single reading of the document for the traitor, who was not allowed a defense counsel, frustrated him as a person in his efforts to defend himself (Appendix D, pp. 107-112). The seventeenth century ended this practice of a single reading of the indictment. The change appeared in the courts of Parliament. The court refused copies of the indictment in 1649<sup>10</sup> and in 1662.<sup>11</sup> By the latter year, Sir Henry Vane succeeded in having the indictment read twice.<sup>12</sup> The Jacobin Rebellion in 1715 provided the State Trials with the first recorded instance of a written copy of the Articles of Impeachment with time allotted to the prisoner for studying them.<sup>13</sup> In that same year, Ratcliffe was denied a copy of the record, but the court read the indictment twice. As late as 1746, attaint denied the right to the prisoner for a written copy of the indictment.<sup>14</sup> Long before that time, laws of 1695-96 (7 & 8 Will. 3, c. 3) assured the accused of a copy of the indictment with a period of five days for the study of it. This same bill endorsed counsel for the defense as first granted in 1657 (7 Will. 3, c. 3).<sup>15</sup> It took time for the law to evolve. It took time for an application of the law in every case.

The struggle for a counsel probably began in 1571 when Thomas Howard, Duke of Norfolk, was tried by his peers, and continued until 1696 when William III made it law. Repeated requests finally gained counsel for points of law,<sup>16</sup> assigned counsel with no defense and counsel for defense. Respect for the person emerged despite arbitrary practices of justice. The change in the practice ended the castigation,



vilification and sarcasm that punctuated the trial proceedings before 1750. The State Trials from 1550 to 1750 tell innumerable stories in which judges battered the accused for his participation in revolutionary activities. Individual changes affected the entire system.

An essential procedure for impaneling a jury in common law courts evolved into new forms during this same period. Judges had relied on citizens who lived in the neighborhood and who knew of the situation; a practice that is traced back to the post-Conquest period.<sup>17</sup> In actual proceedings, some persons arrived on the scene unprepared to give any material witness. The courts incorporated the right to challenge witnesses into their procedures in order to counteract this deficiency of knowledge as a protection to the individual.<sup>18</sup> For the revolutionary, who fought for his life, this meant he could challenge preremptorily a certain number of individuals for any reason at all. However, a study of the treason trials discloses discrepancies between the law and the practice.

In 1381 the Crown, apparently, impaneled the juries for the trials following the Peasants' Revolt. In 1592 (Perrot), 1596 and 1600 (Raleigh), the revolutionaries refused to use the right of challenge.<sup>19</sup> In 1600 the court refused Captain Lee preremptory challenge.<sup>20</sup> Even the Peers refused Essex and Southampton their request to challenge in that same year.<sup>21</sup> The court kept Brooke on the jury for Col. John Morris in 1649. Brooke was a dangerous, personal enemy of Morris. This type of refusal and manipulation of rights occurred in 1662,<sup>22</sup> in 1683,<sup>23</sup> in 1716<sup>24</sup> and in 1745. As in the case of counsel for the defense, the law had already changed. The 1695-96 bill provided that the

prisoner receive a list of jurors two days before his trial.<sup>25</sup> Arbitrary dismissal of juries,<sup>26</sup> imprisonment and fines for acquitting a prisoner,<sup>27</sup> besides infamy, forfeiture and attain for delivering the "wrong" verdicts<sup>28</sup> gradually worked their way out of the English legal system. An early change in these methods was detected in 1670 when the court allowed the jury to retain a conscientious verdict.<sup>29</sup>

Linked to the changes in the use of torture, the indictment, counsel for the defense and the impaneling of juries, the lessening of the gruesome death sentence reserved for traitors and the great emphasis placed on trial by jury mark the period from 1381 to 1750 as an era of mounting social awareness. The evolution of all these facets took time; more time than the days between indictment and conviction, between conviction and execution. It took centuries. During the centuries, it took the lives of many individuals on scaffold, block and rack. It took the development of a politically conscious constituency. It took the horror of the populace over the slaughter at Sedgemoor. It took a breakdown of an insular mentality. It took the murder of a King and the exile of another King. It took riot, rebellion and revolt. The growth in social awareness required all the elements of a complex society to reflect on the past ideals in the light of contemporary, arbitrary practices in order to envision a future based on the principles inherent to the respect and rights of the individual person.

## ENDNOTES

<sup>1</sup>T. B. Howell (ed.), A Complete Collection of State Trials and Proceedings for High Treason and Other Crimes and Misdemeanors (London: T. C. Hansard, 1816), I-XXXIII.

<sup>2</sup>The Trials of Arthur Thistlewood, James Ings, John Thomas Brunt, Richard Tidd, William Davidson, and Others for High Treason (London: J. Butterworth and Son, Fleetstreet, 1820), I-II.

<sup>3</sup>Howell, op. cit., III, p. 407.

<sup>4</sup>James Fitzjames Stephen, A History of the Criminal Law of England (London: Macmillan and Co., 1883), I, p. 325; H. L. Stephen (ed.), State Trials, Political and Social (London: Duckworth and Co., 1899), I, p. 395.

<sup>5</sup>Howell, op. cit., I, p. 1131.

<sup>6</sup>Donald Carswell (ed.), Trial of Guy Fawkes and Others (The Gunpowder Plot) (London: William Hodge & Co. Ltd., 1934), pp. 45-48.

<sup>7</sup>Howell, op. cit., I, pp. 727, 655; F. A. Ridley, The Revolutionary Tradition in England (London: National Labour Press Ltd., 1947), pp. 65-66.

<sup>8</sup>Lacey Baldwin Smith, "English Treason Trials and Confessions in the Sixteenth Century," Journal of the History of Ideas, XV (1954), 483.

<sup>9</sup>Robert Vaughan, Revolutions in English History (London: Parker, Son, and Bourn, West Strand, 1861), II, p. 307.

<sup>10</sup>Howell, op. cit., IV, pp. 1260-63.

<sup>11</sup>Ibid., VI, pp. 74-75.

<sup>12</sup>Ibid., VI, p. 143.

<sup>13</sup>Ibid., XV, pp. 808-809.

<sup>14</sup>Ibid., XVIII, pp. 429-30.

<sup>15</sup>William Blackstone, Commentaries on the Laws of England (Oxford: Clarendon Press, 1966), IV, p. 350; William Holdsworth, A History of English Law (London: Methuen & Co. Ltd., 1903), VI, pp. 233-34.

<sup>16</sup>C. G. L. DuCann, English Treason Trials (London: Frederick Muller Ltd., 1964), pp. 86-88.

<sup>17</sup>John Fortescue, De Laudibus Legum Angliae: A Treatise in Commendation of the Laws of England (Cincinnati: Robert Clarke & Co., 1874), p. 93; Bonamy Dobrée, English Revolts (London: Herbert Joseph Ltd., 1937), p. 88.

<sup>18</sup>Stephen, J. F., op. cit., I, p. 301.

<sup>19</sup>Howell, op. cit., I, p. 1143; DuCann, op. cit., p. 90; Stephen, H. L., op. cit., p. 141.

<sup>20</sup>Howell, ibid., p. 1403.

<sup>21</sup>Ibid., p. 1335.

<sup>22</sup>Ibid., VI, p. 131.

<sup>23</sup>Ibid., IX, p. 514.

<sup>24</sup>Ibid., XVIII, p. 432.

<sup>25</sup>7 & 8 Will. 3, c. 3.

<sup>26</sup>Dobrée, op. cit., p. 89.

<sup>27</sup>Stephen, J. F., op. cit., I, p. 306.

<sup>28</sup>Ibid., p. 397.

<sup>29</sup>Ibid., p. 306; Howell, op. cit., VI, p. 999.

#### A SELECTED BIBLIOGRAPHY

- Beccaria, Cesare Bonesana, marchese di. An Essay on Crimes and Punishment. Edinburgh: James Donaldson, 1788.
- Beloff, Max. Public Order and Popular Disturbances: 1660-1714. London: Frank Cass & Co. Ltd., 1963.
- Bindoff, S. T. "Ket's Rebellion 1549," Common Errors in History, XII (1949), 3-24.
- Bishop, George V. Executions: The Legal Ways of Death. Los Angeles, California: Sherbourne Press, Inc., 1965.
- Blackstone, William. Commentaries on the Laws of England (1966 ed.), IV, Oxford: Clarendon Press, 1966.
- Bliss, Henry. State Trials. London: Simpkin, Marshall, and Co., 1842.
- Brett, S. Reed. The Stuart Century: 1603-1714. London: George G. Harrap & Co. Ltd., 1961.
- Brinton, Crane. The Anatomy of Revolution. New York: Prentice-Hall, Inc., 1952.
- Bryant, Arthur. The Age of Chivalry: The Story of England. St. James Place, London: Collins, 1963.
- Burne, Charlotte S. "Guy Fawkes Day," Folk-Lore A Quarterly Review of Myth, Tradition, Institution, & Custom Being the Transactions of the Folk-Lore Society, XXIII (1912), 409-427.
- Cantor, Norman F. The English: A History of Politics and Society to 1760. New York: Simon and Schuster, 1967.
- Carswell, Donald (ed.). Trial of Guy Fawkes and Others (The Gunpowder Plot). London: William Hodge & Co. Ltd., 1934.
- Clark, George. Three Aspects of Stuart England. London: Oxford University Press, 1960.
- Coate, Mary. "Charles I: The Personality and the Kingship," Common Errors in History, XI (1949), 11-18.

- Coke, Edward. The Third Part of the Institutes of the Laws of England: Concerning High Treason, and Other Pleas of the Crown and Criminal Causes. London: Clark and Sons, 1809.
- Collis, Maurice. The Hurling Time. London: Faber and Faber, 1958.
- Coser, Lewis A. "The Myth of Peasant Revolt," Dissent, XIII (1966), 298-303.
- Cross, A. R. N. Paradoxes in Prison Sentences. Oxford: At the Clarendon Press, 1965.
- Cross, Rupert and Jones, P. Asterley. Cases on Criminal Law. London: Butterworths, 1968.
- Dobrée, Bonamy. English Revolts. London: Herbert Joseph Ltd., 1937.
- Douglas, David C. (ed.). English Historical Documents. London: Eyre & Spottiswoode, 1969.
- Drake, F. and Ward, Caesar (ed.). The Parliamentary or Constitutional History of England; From the Earliest Times to the Restoration of Charles II. London: Strand, 1762.
- DuCann, C. G. L. English Treason Trials. London: Frederick Muller Ltd., 1964.
- Ellwood, Thomas. The History of Thomas Ellwood. London: George Routledge and Sons, 1886.
- Elton, G. R. England, 1200-1640. London: Hodder and Stoughton Ltd., 1969.
- Elton, G. R. England Under the Tudors. London: Methuen & Co. Ltd., 1960.
- Elton, G. R. "King or Minister? The Man Behind the Henrician Reformation," History, XXXIX (1964), 216-233.
- Elton, G. R. "The Law of Treason in the Early Reformation," The Historical Journal, XI (1968), 211-237.
- Elton, G. R. Reform and Renewal, Thomas Cromwell and the Common Weal. Cambridge: At the University Press, 1973.
- Erickson, Arvel B. and Havran, Martin J. England, Prehistory to the Present. New York: Doubleday & Co., Inc., 1968.
- Fitzgerald, P. J. Criminal Law and Punishment. Oxford: At the Clarendon Press, 1962.

- Gairdner, James. "A Supposed Conspiracy Against Henry VII," Transactions of the Royal Historical Society, XVIII (1903), 157-195.
- Gardner, Samuel Rawson. What Gunpowder Plot Was. London: Longmans, Green, and Co., 1897.
- Gay, Edwin F. "The Midland Revolt and the Inquisitions of Depopulations of 1607," Transactions of the Royal Historical Society, XVIII (1904), 195-245.
- Gee, Henry. "The Derwentdale Plot, 1663," Transactions of the Royal Historical Society, XI (1917), 127-143.
- George, Charles H. Revolution: European Radicals from Hus to Lenin. Glenview, Illinois: Scott, Foresman and Co., 1962.
- Goodspeed, D. J. The Conspirators: A Study of the Coup d'Etat. Toronto: The Macmillan Company of Canada Ltd., 1962.
- Griffiths, Arthur. The Chronicles of Newgate, I, II. London: Chapman and Hall Ltd., 1884.
- Hariss, G. L. "Medieval Government and Statecraft," Past & Present, XXV (1963), 8-39.
- Harrison, David. Tudor England, I. London: Cassell and Co. Ltd., 1953.
- Hilton, Rodney. Bond Men Made Free: Medieval Peasant Movements and the English Rising of 1381. New York: The Viking Press, 1973.
- Hobsbawm, E. J. Primitive Rebels. New York: W. W. Norton & Co., Inc., 1965.
- Holdsworth, William. A History of English Law, I-XV. London: Methuen & Co. Ltd., 1903.
- Hollister, C. Warren. The Making of England, 55 B. C.-1399. Lexington, Massachusetts: D. C. Heath and Co., 1971.
- Howell, T. B. A Complete Collection of State Trials and Proceedings for High Treason and Other Crimes and Misdemeanors, I-XXXIII. London: T. C. Hansard, 1816.
- Hudson, Michael C. "Conditions of Political Violence and Instability: A Preliminary Test of Three Hypotheses," Comparative Politics Series, I (1970), 244-291.
- Hughes, Paul L. and Larkin, James F. (ed.). "The Early Tudors, (1485-1553)," Tudor Royal Proclamations, I. New Haven, Connecticut: Yale University Press, 1964.

- Hutchison, Harold F. The Hollow Crown: A Life of Richard II. New York: The John Day Co., 1961.
- Ingspen, Roger and Peck, Walter E. (ed.). The Complete Works of Percy Bysshe Shelley, III. New York: Gordian Press, 1965.
- Innes, Arthur D. England Under the Tudors. New York: G. P. Putnam's Sons, 1913.
- Jones, J. R. Britain and Europe in the Seventeenth Century. New York: W. W. Norton & Co., Inc., 1966.
- Judges, A. V. The Elizabethan Underworld. New York: Octagon Books, Inc., 1965.
- Kendall, Paul Murray. The Yorkist Age: Daily Life During the Wars of the Roses. New York: W. W. Norton & Co., Inc., 1962.
- Kenny, Courtney Stanhope. A Selection of Cases Illustrative of English Criminal Law. Cambridge: At the University Press, 1922.
- Kesteven, G. R. The Peasants' Revolt: Studies in English History. London: Chatto & Windus, 1965.
- Kingston, Charles. Famous Judges and Famous Trials. London: Stanley Paul and Co., 1923.
- Knight, Charles. The Popular History of England: An Illustrated History of Society from the Earliest Period to Our Own Times, II. London: James Langster & Co., Paternoster Row, 1862.
- Lander, J. R. "Attainder and Forfeiture, 1452 to 1509," The Historical Journal, IV (1961), 119-151.
- Leadam, I. S. "An Unknown Conspiracy Against King Henry VII," Transactions of the Royal Historical Society, XVI (1902), 133-152.
- Leiden, Carl and Schmitt, Karl M. (ed.). The Politics of Violence: Revolution in the Modern World. Englewood Cliffs, New Jersey: Prentice-Hall, Inc., 1968.
- Locke, John. Two Treatises of Government. Cambridge: At the University Press, 1967.
- Lockyer, Roger. Tudor and Stuart Britain, 1471-1714. London: Longmans, Green and Co. Ltd., 1964.
- Lyle, Helen M. "The Rebellion of Jack Cade 1450," Common Errors in History, XVI (1950), 3-23.



- McIlwain, Charles Howard. The High Court of Parliament and Its Supremacy: An Historical Essay on the Boundaries Between Legislation and Adjudication in England. New Haven: Yale University Press, 1910.
- McNiece, Gerald. Shelley and the Revolutionary Idea. Cambridge, Massachusetts: Harvard University Press, 1969.
- Members of the Historical Association. "The Corn Laws," Common Errors in History, I (1950), 19-20.
- Meyer, Arnold Oskar. England and the Catholic Church Under Queen Elizabeth. London: Routledge and Kegan Paul Ltd., 1967.
- Miller, Helen and Newman, Aubrey. Early Modern British History, 1485-1760. London: The Historical Association, 1970.
- Milne, Doreen J. "The Results of the Rye House Plot and Their Influence Upon the Revolution of 1688," Transactions of the Royal Historical Society, I (1951), 91-109.
- Morrison, N. Brysson. King's Quiver: The Last Three Tudors. New York: St. Martin's Press, 1972.
- Mowatt, R. B. The Wars of Roses. London: Crosby Lockwood & Son, 1914.
- Notestein, Wallace. The English People on the Eve of Colonization, 1603-1630. New York: Harper Torchbooks, 1954.
- Oman, Charles. The Great Revolt of 1381. New York: Haskell House Publishers Ltd., 1906.
- The Parliamentary History of England, From the Earliest Period to the Year 1803, I. London: T. C. Hansard, 1806.
- Piper, David. "The Portraits of Charles I," Common Errors in History, XI (1949), 23-28.
- Pollard, A. F. England Under Protector Somerset, An Essay. London: Kegan Paul, French, Trubner & Co. Ltd., 1900.
- Pollard, A. F. The History of England: A Study in Political Evolution. London: Thorton Butterworth Ltd., 1933.
- Powell, Edgar. "An Account of the Proceedings in Suffolk During the Peasants' Rising in 1381," Transactions of the Royal Historical Society, VIII (1892), 203-250.
- Price, Mary and Mather, C. E. L. A Portrait of Britain Under Tudors and Stuarts, 1485-1688. Oxford: At the Clarendon Press, 1964.

The Proceedings Against Sir John Fenwick, Bar. Upon a Bill of Attainder for High Treason, (1702).

Radzinowicz, Leon. "The Movement for Reform," A History of English Criminal Law and Its Administration from 1750, I. London: Stevens & Sons Ltd., 1948.

Reid, R. R. "The Rebellion of the Earls, 1569," Transactions of the Royal Historical Society, XX (1904), 171-203.

Ridley, F. A. The Revolutionary Tradition in England. London: National Labour Press Ltd., 1947.

Rowse, A. L. The England of Elizabeth: The Structures of Society. New York: The Macmillan Co., 1951.

Sachse, William L. Restoration England 1660-1689. Cambridge: University Press, 1971.

Smith, Lacey Baldwin. "English Treason Trials and Confessions in the Sixteenth Century," Journal of the History of Ideas, XV (1954), 471-498.

Snow, Vernon F. "The Concept of Revolution in Seventeenth-Century England," The Historical Journal, V (1962), 167-175.

Southey, Robert. The Poetical Works of Robert Southey, II. London: Longman, Orme, Brown, Green & Longmans, 1838.

Stephen, H. L. (ed.). State Trials, Political and Social, I, II, III. London: Duckworth and Co., 1899.

Stephen, Harry L. "The Trial of Sir Walter Raleigh," Transactions of the Royal Historical Society, II (1919), 172-188.

Stephen, James Fitzjames. A History of the Criminal Law of England, I, II. London: Macmillan and Co., 1883.

Tawney, R. H. The Agrarian Problem in the Sixteenth Century. London: Longmans, Green and Co., 1912.

Thomson, Mark A. "The Execution of Charles I and the Development of the Constitution," Common Errors in History, XI (1949), 18-23.

Trevelyan, George Macaulay. England in the Age of Wycliffe, 1368-1520. New York: Harper & Row, 1963.

The Trials of Arthur Thistlewood, James Ings, John Thomas Brunt, Richard Tidd, William Davidson, and Others for High Treason. London: J. Butterworth and Son, Fleet-Street, 1820.

- Vaughan, Robert. Revolutions in English History, II. London: Parker Son, and Bourn, West Strand, 1861.
- Vickers, Kenneth H. England in the Later Middle Ages. London: Methuen & Co. Ltd., 1913.
- Walcott, Robert. The Tudor-Stuart Period of English History (1485-1714): A Review of Changing Interpretation. New York: The Macmillan Co., 1964.
- Walker, James. "The Yorkshire Plot, 1663," The Yorkshire Archaeological Journal, XXXI (1934), 348-360.
- Wedgwood, C. V. "Charles I: The Case for the Execution," Common Errors in History, XI (1949), 3-11.
- Wheeler, Daniel Edwin (ed.). Life and Writings of Thomas Paine. New York: Vincent Parke and Co., 1908.
- White, Albert Beebe and Notestein, Wallace. Source Problems in English History. London: Harper and Brothers Publishers, 1915.
- Williams, Gwyn A. Artisans and Sans-Culottes: Popular Movements in France and Britain During the French Revolution. New York: W. W. Norton & Co., Inc., 1969.
- Williams, Penry. "Dr. Elton's Interpretation of the Age," Past & Present, XXV (1963), 3-8.
- Williams, Penry. "The Tudor State," Past & Present, XXV (1963), 39-59.
- Willson, David Harris. A History of England. New York: Holt, Rinehart and Winston, Inc., 1967.
- Woodland, W. Lloyd. Assize Pageant, Fifty Years in the Criminal Courts. London: George G. Harrap & Co. Ltd., 1952.
- Woodward, G. W. O. 1485-1603: Reformation and Resurgence, England in the Sixteenth Century. New York: Humanities Press, 1963.

## APPENDIX A

### STATUTE OF LABORERS<sup>1</sup>

Whereas late against the malice of servants, which were idle, and not willing to serve after the pestilence, without taking excessive wages, it was ordained by our lord and king, and by the assent of the prelates, nobles, and other of his council, that such manner of servants, as well men as women, should be bound to serve, receiving salary and wages, accustomed in places where they ought to serve in the twentieth year of the reign of the king that now is, or five or six years before; and that the same servants refusing to serve in such manner should be punished by imprisonment of their bodies, as in the said statute is more plainly contained: whereupon commissions were made to divers people in every county to inquire and punish all them which offend against the same: and now forasmuch as it is given the king to understand in this present parliament, by the petition of the commonalty, that the said servants having no regard to the said ordinance, but to their ease and singular covetise, do withdraw themselves to serve great men and other, unless they have livery and wages to the double or treble of that they were wont to take the said twentieth year and before, to the great damage of the great men, and impoverishing of all the said commonalty, whereof the said commonalty prayeth remedy: wherefore in the said parliament, by the assent of the said prelates, earls, barons, and other great men, and of the same commonalty there

assembled, to refrain the malice of the said servants, be ordained and established the things underwritten:

First, that carters, ploughmen, drivers of the plough, shepherds, swineherds, deies, (dairy-maids) and all other servants, shall take liveries and wages, accustomed the said twentieth year, or four years before; so that in the country where wheat was wont to be given, they shall take for the bushel ten pence, or wheat at the will of the giver, till it be otherwise ordained. And that they be allowed to serve by a whole year, or by other usual terms, and not by the day; and that none pay in the time of sarcling (hoeing) or hay-making but a penny the day; and a mower of meadows for the acre five pence, or by the day five pence; and reapers of corn in the first week of August two pence, and the second three pence, and so till the end of August, and less in the country where less was wont to be given, without meat or drink, or other courtesy to be demanded, given, or taken; and that such workmen bring openly in their hands to the merchant-towns their instruments, and there shall be hired in a common place and not privy.

Item, that none take for the threshing of a quarter of wheat or rye over 2d. ob. (two and a half pence) and the quarter of barley, beans, pease, and oats, 1d. ob. if so much were wont to be given; and in the country where it is used to reap by certain sheaves, and to thresh by certain bushels, they shall take no more nor in other manner than was wont the said twentieth year and before; and that the same servants be sworn two times in the year before lords, stewards, bailiffs, and constables of every town, to hold and do these ordinances; and that none of them go out of the town, where he dwelleth in the winter, to

serve the summer, if he may serve in the same town, taking as before is said. Saving that the people of the counties of Stafford, Lancaster and Derby, and people of Craven, and of the marches of Wales and Scotland, and other places, may come in time of August, and labor in other counties, and safely return, as they were wont to do before this time: and that those, which refuse to take such oath or to perform that that they be sworn to, or have taken upon them, shall be put in the stocks by the said lords, stewards, bailiffs, and constables of the towns by three days or more, or sent to the next gaol, thereto remain, till they will justify themselves. And that stocks be made in every town for such occasion betwixt this and the feast of Pentecost.

Item, that carpenters, mason, and tilers, and other workmen of houses, shall not take by the day for their work but in manner as they were wont, that is to say: a master carpenter 3d. and another 2d.; a master free-stone mason 4d. and other masons 3d. and their servants 1d. ob.; tilers 3d. and their knaves 1d. ob.; and other coverers of fern and straw 3d. and their knaves 1d. ob.; plasterers and other workers of mudwalls, and their knaves, by the same manner, without meat or drink, 1s. from Easter to Saint Michael; and from that time less, according to the rate and discretion of the justices, which should be thereto assigned: and that they that make carriage by land or by water, shall take no more for such carriage to be made, than they were wont the said twentieth year, and four years before.

Item, that cordwainers and shoemakers shall not sell boots nor shoes, nor none other thing touching their mystery, in any other manner than they were wont the said twentieth year: item, that goldsmiths,

saddlers, horseshmiths, spurriers, tanners, curriers, tawers of leather, tailors, and other workmen, artificers, and laborers, and all other servants here not specified, shall be sworn before the justices, to do and use their crafts and offices in the manner they were wont to do the said twentieth year, and in time before, without refusing the same because of this ordinance; and if any of the said servants, laborers, workmen, or artificers, after such oath made, come against this ordinance, he shall be punished by fine and ransom, and imprisonment after the discretion of the justices.

Item, that the said stewards, bailiffs, and constables of the said towns, be sworn before the same justices, to inquire diligently by all the good ways they may, of all them that come against this ordinance, and to certify the same justices of their names at all times, when they shall come into the country to make their sessions; so that the same justices on certificate of the same stewards, bailiffs, and constables, of the names of the rebels, shall do them to be attached by their body, to be before the said justices, to answer of such contempts, so that they make fine and ransom to the king, in case they be attainted; and moreover to be commanded to prison, there to remain till they have found surety, to serve, and take, and do their work, and to sell things vendible in the manner aforesaid; and in case that any of them come against his oath, and be thereof attainted, he shall have imprisonment of forty days; and if he be another time convict, he shall have imprisonment of a quarter of a year, so that at every time that he offendeth and is convict, he shall have double pain: and that the same justices, at every time that they come into the country, shall inquire

of the said stewards, bailiffs, and constables, if they have made a good and lawful certificate, or any conceal for gift, procurement, or affinity, and punish them by fine and ransom, if they be found guilty: and that the same justices have power to inquire and make due punishment of the said ministers, laborers, workmen, and other servants, and also of hostellers, harbergers, (those who provide lodging) and of those that sell victual by retail, or other things here not specified, as well at the suit of the party, as by presentment, and to hear and determine, and put the things in execution by the exigend after the first capias, (the writ in civil suits which ordered the taking into custody of the defendant) if need be, and to depute other under them, as many and such as they shall see best for the keeping of the same ordinance; and they which will sue against such servants, workmen, laborers, [and artificers], for excess taken of the, and they shall be thereof attainted at their suit, they shall have again such excess. And in case that none will sue, to have again such excess, then it shall be levied of the said servants, laborers, workmen, and artificers, and delivered to the collectors of the Quinzime, (tax known as the "Fiftieth") in alleviation of the towns where such excesses were taken.



## APPENDIX B

### THE STATUTE OF TREASONS, 1352<sup>2</sup>

Also whereas there have been divers opinions before this time as to what cases should be adjudged treason and what not; the king at the request of the lords and of the commons has made the following declaration, that is to say:

When a man attempts or plots the death of our lord the king, or of our lady his queen or of their eldest son and heir; or if a man violates the king's wife or the king's eldest unmarried daughter, or the wife of the king's eldest son and heir: or if a man levies war against our lord the king in his realm, or adheres to the king's enemies, giving aid and comfort in his realm or elsewhere, and of this shall be attainted and proved of open deed by men of their rank; and if a man counterfeit the king's great or privy seal or his money...and if a man slay the chancellor, treasurer, or the king's justices of the one bench or the other, justices in eyre, or justices of assize, and any other justices assigned to hear and determine, being in their places, doing their offices. And it is to be understood that in the cases rehearsed above, [anything] ought to be judged treason which extends to our lord the king and his royal majesty; and of such treason the forfeiture of the escheats belongs to our sovereign lord the king...

And moreover there is another kind of treason, that is to say, when a servant slays his master, or a wife her husband, or when a secu-

lar cleric or a religious kills his prelate, to whom he owes faith and obedience; and in such kinds of treason the escheats ought to pertain to every lord of his own fee.

And as many other similar cases of treason may happen in time to come, which a man cannot think nor declare at the present time, it is agreed that if any other case, supposed treason, which is not specified above, should come before any justices, the justices shall wait, without passing sentence of treason, till the case be shown and declared before the king and his parliament, whether it ought to be judged treason or some other felony.

APPENDIX C

LETTER TO MONTEAGLE, 1605<sup>3</sup>

My lord out of the love i beare to some of your friends i have a  
caer of your preservacion therefor i would advyse youe as youe tender  
your lyf to devyse some excuse to shift of your attendance at this  
parleament for god and man hath concurred to punish the wickedness of  
this tyme and thinke not slightlye of this advertisement by retyere  
your selfe into your cuntry wheare youe maye expect the event in  
safti for thowghe there be no apparence of anni stir yet I saye they  
shall receyve a terrible blowe this parleament and yet they shall not  
seie who hurt them this councel is not to be contemned because it maye  
do youe good and to do youe no harme for the dangere is passed as soon  
as youe have burned the letter and i hope god will give you the grace  
to make good use of it to whose holy proteccion i commend youe.

## APPENDIX D

### TRIAL OF SIR WALTER RALEIGH<sup>4</sup>

Beyond the interest that attaches to Raleigh's trial from the historical and personal points of view, it is interesting as showing the methods in which an important trial was conducted at the beginning of the seventeenth century. The most remarkable feature of the trial itself in the eyes of a modern reader, beyond its extreme informality, is that Raleigh was condemned on the statement of a confederate, who spoke under extreme pressure, with every inducement to exculpate himself at Raleigh's expense, and whom Raleigh never had a chance of meeting. The reasons given by Popham for refusing to allow Cobham to be called as a witness at the trial are instructive, and, as Professor Gardiner points out, prove that in political trials at all events, when the government had decided that the circumstances of the case were sufficient to justify them in putting a man on his trial, the view of the court before which he was tried was that he was to be condemned unless he succeeded in proving his innocence. This fact alone leads the modern Englishman to sympathise with Raleigh, and this feeling is naturally increased by what Sir James Stephen calls the 'rancorous ferocity' of Coke's behaviour. The second cause added to Raleigh's popularity, and the political reasons which led to his trial are probably what produced the same feelings among his contemporaries...for the credit of the lawyers who presided at the trial...the assertions that the statute of Edward VI.,

requiring two witnesses in cases of treason, had been repealed, and that the trial at common law was by examination, and not by a jury and witnesses, were not as incomprehensibly unjust as they appear to us. A statute of Philip and Mary enacted that cases of treason should be tried according to the due order and course of common law, and the Statute of Edward VI., being regarded as an innovation upon the common law, was thus held to be implicitly repealed. The rule as to the two witnesses seems to have been construed as referring to trial by witnesses as it existed under the civil law, which was taken to require two eye- or ear-witnesses to the actual fact constituting the crime. With such a trial, trial by jury was frequently contrasted...

The indictment charged Raleigh with high treason by conspiring to deprive the King of his government; to alter religion; to bring in the Roman Superstition; and to procure foreign enemies to invade the kingdom. The facts alleged to support these charges were that Lord Cobham, on the 9th of June 1603, met Raleigh at Durham House in London, and conferred with him as to advancing Lady Arabella Stuart to the throne; that it was there agreed that Cobham should, with Aremberg, the ambassador of the Archduke of Austria, bargain for a bribe of 600,000 crowns; that Cobham should go to the Archduke Albert, to procure his support for Lady Arabella, and from him to the King of Spain; that Lady Arabella should write three letters to the Archduke, to the King of Spain, and to the Duke of Savoy, promising to establish peace between England and Spain, to tolerate the Popish and Roman superstition, and to be ruled by them as to her marriage. Cobham was then to return to Jersey, where he would find Raleigh and take counsel with him as to how

to distribute Aremberg's bribe. On the same day Cobham told his brother Brook of all these treasons, and persuaded him to assent to them; afterwards Cobham and Brook spoke these words, 'That there would never be a good world in England till the King (meaning our sovereign lord) and his cubs (meaning his royal issue) were taken away.' Further Raleigh published a book to Cobham, written against the title of the King, and Cobham published the same book to Brook. Further, Cobham, on the 14th of June, at Raleigh's instigation, moved Brook to incite Lady Arabella to write the letters as aforesaid. Also on the 17th of June Cobham, at Raleigh's instigation, wrote to Aremberg through one Matthew de Lawrence, to obtain the 600,000 crowns, which were promised to him on the 18th of June, and of which Cobham promised 8000 to Raleigh and 10,000 to Brook.

To this indictment Raleigh pleaded Not Guilty; and a jury was sworn, to none of whom Raleigh took any objection.

ATTORNEY---Thou hast a Spanish heart, and thyself art a Spider of Hell; for thou confessest the king to be a most sweet and gracious prince, and yet hast conspired against him.

Watson's Examination read.

'He said, that George Brook told him twice, That his brother, the lord Cobham, said to him, that you are but on the bye, but Raleigh and I are on the main.'

Brook's Examination read.

'Being asked what was meant by this Jargon, the Bye and the Main? he said, That the lord Cobham told him, that Grey and others were in the Bye, he and Raleigh were on the Main. Being asked, what exposition

his brother made of these words? He said, he is loath to repeat it. And after saith, by the Main was meant the taking away of the king and his issue; and thinks on his conscience, it was infused into his brother's head by Raleigh.'

Cobham's Examination read.

'Being asked, if ever he had siad, "It will never be well in England, till the king and his cubs were taken away"; he said, he had answered before, and that he would answer no more to that point.'

RALEIGH---I am not named in all this: there is a law of two sorts of Accusers; one of his own knowledge, another by hear-say.

EARL OF SUFFOLK---See the Case of Arnold.

LORD CHIEF-JUSTICE---It is the Case of Sir Will. Thomas, and sir Nicholas Arnold.

RALEIGH---If this may be, you will have any man's life in a week.

ATTORNEY---Raleigh saith, that Cobham was in a passion when he said so. Would he tell his brother anything of malice against Raleigh, whom he loved as his life?

RALEIGH---Brook never loved me; until his brother had accused me, he said nothing.

LORD CECIL---We have heard nothing that might lead us to think that Brook accused you, he was only in the surprizing Treason: for by accusing you he should accuse his brother.

RALEIGH---He doth not much care for that.

LORD CECIL---I must judge the best. The accusation of his brother was not voluntary; he pared everything as much as he could to save his brother.

LORD CECIL---Cobham was asked whether, and when, he heard from you?  
He said, every day.

RALEIGH---Kemish added more, I never bade him speak those words.

(Note---Mr. Attorney here offered to interrupt him.)

LORD CECIL---It is his last discourse; give him leave Mr. Attorney.

RALEIGH---I am accused concerning Arabella, concerning Money out of Spain. My Lord Chief-Justice saith, a man may be condemned with one witness, yea, without any witness. Cobham is guilty of many things, Conscientia mille testes; he hath accused himself, what can he hope for but mercy? My lords, vouchsafe me this grace: Let him be brought, being alive, and in the house; let him avouch any of these things, I will confess the whole indictment and renounce the king's mercy.

LORD CECIL---Here hath been a touch of the lady Arabella Stuart, a near kinswoman of the king's. Let us not scandal the innocent by confusion of speech: she is as innocent of all these things as I, or any man here; only she received a Letter from my lord Cobham, to prepare her; which she laughed at, and immediately sent it to the king. So far was she from discontentment, that she laughed him to scorn. But you see how far the count of Aremberg did consent.

The lord Admiral (Nottingham) being by in a Standing, with the lady Arabella, spake to the court: The lady doth here protest upon her salvation, that she never dealt in any of these things, and so she willed me to tell the court.

LORD CECIL---The lord Cobham wrote to my lady Arabella, to know if he might come to speak with her, and gave her to understand, that there were some about the king that laboured to disgrace her; she doubted it



was but a trick. But Brook saith his brother moved him to procure Arabella to write Letters to the king of Spain; but he saith, he never did it.

RALEIGH---The lord Cobham hath accused me, you see in what manner he hath forsworn it. Were it not for his Accusation, all this were nothing. Let him be asked, if I knew of the letter which Lawrency brought to him from Aremberg. Let me speak for my life, it can be no hurt for him to be brought; he dares not accuse me. If you grant me not this favour, I am strangely used; Campian was not denied to have his accusers face to face.

#### ENDNOTES

<sup>1</sup>Albert Beebe White and Wallace Notestein, Source Problems in English History (London: Harper & Brothers Publishers, 1915), pp. 146-152.

<sup>2</sup>David C. Douglas (ed.), English Historical Documents (London: Eyre & Spottiswoode, 1969), IV, p. 403.

<sup>3</sup>Donald Carswell (ed.), Trial of Guy Fawkes and Others (The Gunpowder Plot) (London: William Hodge & Company Ltd., 1934), p. 33.

<sup>4</sup>H. L. Stephen (ed.), State Trials, Political and Social (London: Duckworth and Co., 1899), I, pp. 6-7, 10-13, 40-41, 46-47.